

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

HIGHLY MIGRATORY SPECIES ADVISORY PANEL

April 2, 2001

Silver Spring, Maryland

TAPE TRANSCRIPTION

PARTICIPANTS:

Chris Rogers, Chief, Highly Migratory Species Division,
NMFS, chair
Irby Basco
Nelson Beideman
George Bell
Steve Berkley
Randy Blankinship
Charles Borgay
Vernon Brown
Bill Chapralles
Maumus Claverie
Tyson Cod
Vicky Cornish
Glen Delaney
Jack Devneu
Russell Dunn
Clarence Faskin
Sonja Fordham
William Garenza
John Graves
Vic Hatami
John Hoey
Bill Hogarth
Russell Hudson
Robert Hueter
Dewey Humeright
Gail Johnson
John Jolly
Ann Lang
Wayne Lee
Frank Lelan
Steve Loga
Linda Lucas
Jonathan Mahew
Joe McBride
Mariam McCall
Brad McHail
Sharon McKenna
Bruce Morehead
Kim Nicks
Tim Obst
Ellen Peel
Pat Percy
Bob Pride
Burton Prince
Paul Raymond
Rich Ruais

Joe Saletz
Mark Sampson

PARTICIPANTS (con'd):

Margo Schulze
Pat Sheeda
Buck Sutter
Glen Uhlrich
Rom Whitaker
David Wilmot

C O N T E N T S

	PAGE
Welcome/General Information - Chris Rogers	5
Litigation Issues - Mariam McCall	33
National Observer Program - Chris Rogers	47
Monitoring HMS Recreational Fisheries - Buck Sutter	92
Bluefin Tuna Quota Allocations and Gear Use - Bill Chapralles	200
Jonathan Mahew	218

1 P R O C E E D I N G S

2 MR. ROGERS: Good afternoon. Hopefully there is
3 enough seats around the table here for all the advisory panel
4 members. Looks like we have a sufficient number to be a
5 quorum. We were expecting about 32 individuals here, so
6 we're getting a little bit more table space in the back. But
7 we're got a pretty demanding agenda, so we've got to get
8 started here.

9 We're going to have some opening comments and a
10 welcome from Dr. Clarence Faskin, who is serving in the
11 capacity of acting deputy administrator for regulatory
12 affairs, I believe, is your current title. Is that correct?

13 DR. FASKIN: No, not affairs, programs.

14 MR. ROGERS: Programs, regulatory -- acting deputy
15 administrate -- deputy assistant administrator for regulatory
16 programs.

17 (Interruption to tape.)

18 DR. FASKIN: (Inaudible) and I am very happy to be
19 here to welcome you to an advisory panel on HMS. We have a
20 25 member, sometimes 23 or 20 member, advisory panel that we
21 use up in the North Pacific, and pretty much a very
22 (inaudible) of who's who of HMS off of the Atlantic and Gulf

1 of Mexico here. And so on our advisory panel in Alaska, it's
2 the same thing: we have people that are representing
3 industry, the environmental community, recreational types,
4 and they meet with the council one or two days ahead of the
5 council and overlap with the council, in most instances,
6 about five times a year. And we have just one advisory
7 panel, unlike some of the other panels, which have multiple
8 advisory panels (inaudible) fishing and management plan.

9 And I can say, from being executive director up
10 there, that probably most of the motions that come before the
11 council and initiatives that come from the council are
12 motions that come right out of our advisory panel. So they
13 are a very, very important part of the council family up in
14 Alaska.

15 And so I'm looking forward to how your dialogue
16 here plays out with the National Fisheries Service and I'm
17 glad I'm here to be able to interact with (inaudible) and
18 hear issues you have back here. Because I know that they're
19 controversial, especially as they intersect with the
20 Endangered Species Act. We have the same types of issues up
21 in Alaska as they intersect with the Endangered Species Act
22 (inaudible) sea lions.

1 So the agency is working on all fronts and the
2 council in all regions have ESA issues and bycatch issues
3 much like you have in your, your various fisheries here.

4 So I want to welcome you. Some of you I know and
5 some of you I hope to get acquainted with as we go through
6 the day (inaudible) over the short time (inaudible). Welcome
7 aboard. I think Chris wants me to -- do you want to go
8 through introductions right now?

9 MR. ROGERS: Yeah.

10 DR. FASKIN: Okay. Why don't we go around the
11 room, starting over here with Chris, and I'll then get to
12 know you a little better.

13 MR. ROGERS: Okay. I'm Chris Rogers, with the
14 Highly Migratory Species Division in Silver Spring.

15 MR. SAMPSON: Mark Sampson, Ocean City Charter Boat
16 Captains' Association, Ocean City, Maryland.

17 MR. HUDSON: Russell Hudson, (inaudible).

18 MR. WHITAKER: Rom Whitaker, Hatteras Charter
19 Boats, HMS, Hatteras, North Carolina.

20 A PARTICIPANT: (Inaudible.)

21 MS. PEEL: Ellen Peel, the Billfish Foundation,
22 Fort Lauderdale, Florida.

1 MR. GARENZA: Bill Garenza (phonetic), seafood
2 buyer, Portland, Maine.

3 DR. GRAVES: John Graves, Virginia Institute of
4 Marine Science, here representing the U.S. ICCAT advisory
5 committee.

6 MR. RUAIS: Rich Ruais with the East Coast Tuna
7 Association.

8 MR. BLANKINSHIP: Randy Blankinship, Texas Parks
9 and Wildlife Department, from Brownsville, Texas.

10 MR. McBRIDE: This is Joe McBride from New York
11 state, the president of Montauk Boatmen and Captains'
12 Association, a member of the New York state MRAC.

13 MR. UHLRICH: Glen Uhlich, South Carolina
14 Department of Natural Resources.

15 MR. BERKLEY: Steve Berkley (phonetic), Oregon
16 State University, and also representing the American
17 Fisheries Society.

18 MS. PERCY: Pat Percy, Popham Beach, Maine, Mid
19 Coast Maine Fishermen's Wives Association.

20 MS. JOHNSON: Gail Johnson, Fishing Vessel, Seneca.

21 MR. BEIDEMAN: Nelson Beideman, Blue Water
22 Fisherman's Association.

1 MR. DELANEY: I'm Glen Delaney. I'm sitting in for
2 Steve Loga of Tuna Fresh in Louisiana.

3 MR. WILMOT: David Wilmot, Ocean Wildlife Campaign.

4 MS. FORDHAM: Sonja Fordham, Center for Marine
5 Conservation.

6 MR. BASCO: Irby Basco, Gulf of Mexico Council.

7 DR. CLAVERIE: Mau Claverie, Gulf Council,
8 Billfish.

9 MR. PRIDE: Bob Pride, recreational fisherman from
10 Virginia, also a member of Mid Atlantic Council.

11 MR. BROWN: Vernon Brown, Virgin Islands, chairman
12 of the Caribbean Fishery Management Council.

13 MR. LELAND: Frank Leland, New England Fisheries
14 Management Council.

15 MS. McKENNA: Sharon McKenna; I'm sitting in for
16 Jim Donofrio of the Recreational Fishing Alliance.

17 MR. DUNN: Russ Dunn, with Ocean Wildlife Campaign.

18 MR. MOREHEAD: Bruce Morehead, National Marine
19 Fisheries Service, Silver Spring.

20 MS. McCALL: Mariam McCall with the Office of
21 General Counsel for Fisheries.

22 MS. LANG: Anne Lang (inaudible).

1 (Interruption to tape.)

2 MR. MOREHEAD: -- in the panels that were formed in
3 '96 under the Sustainable Fisheries Act to help us develop
4 FMPs and inform amendments. We put out a safe report this
5 year, which I believe will form the basis to your discussions
6 at this meeting.

7 I'm also interested in looking at the process we --
8 through which we work with, with the panels. There's -- I
9 know (inaudible) attempt in the past maybe to have chairmen
10 elected. We might want to think about that or maybe have an
11 executive committee of these panels that we can work with
12 between meetings. I know we've only had one or two meetings
13 a year, so there's some time on the agenda at the end of the
14 meeting, where we can have some more focused discussion on,
15 on, on the process of how the committees work. I'm
16 interested in you thinking about it and this -- I'll get some
17 feedback on how well you think the panels are working.

18 We have a very lengthy agenda and I -- Chris will
19 be the moderator or the kind of -- kind of the enforcer to
20 keep us on schedule. We have various folks on the staff who
21 want to give presentations and, and solicit your, your, your
22 comments. At this point, I'd like Chris to start.

1 MR. ROGERS: Okay, thanks, Bruce and Clarence. As
2 Bruce just mentioned, we tried various things in the past
3 with the advisory panel. We've had Jack Dunnigan serving as
4 moderator under contract with the Atlantic States Commission.
5 The billfish panel itself has actually had a chairman in the
6 past.

7 So what we have included in your information
8 package is the statement of operating organization practices
9 and procedures, your SOOPPPS, for both the panels, as well as
10 the reminder for those who have been with us for a while, but
11 also as potentially new information for those who are new to
12 the panel, how the panel relates to the fishery management
13 plans.

14 Initially, as Bruce mentioned, we relied on the
15 panel a lot during the development of the fishery management
16 plans, both the billfish amendment and the HMS plans, but now
17 we're sort of what is covered in the plan under the
18 continuing fishery management area. So I, I included in that
19 packet just the excerpts from the FMPs regarding use of the
20 advisory panel for continuing fishery management and the
21 framework procedures for adjustment.

22 Obviously we would use the panel for advise in a

1 situation where we decide we need to or think we may need or
2 are considering amending an FMP or possibly doing a
3 regulatory amendment under the framework provisions of the
4 FMP.

5 So our thinking, at least at the time that the FMPs
6 were issued, is that we would issue the annual safe report
7 and then convene the advisory panel to basically assess the
8 current status of the fisheries, to see if the panel members
9 share the same issues or concerns that we do in the -- in the
10 management arm of the house, and whether or not, as I said,
11 FMP amendments are needed or whether regulatory amendments
12 can, can suffice to address the, the situation and issues.

13 So we don't want to belabor that at this point, but
14 in your free time, breaks and such and dinner conversations
15 with fellow panel members, if you do have any ideas or
16 thoughts and concerns, as Bruce had alluded to, regarding
17 maybe electing a chairman or some sort of sub set of the
18 group as an executive committee or something like that, where
19 we could have a more frequent contact than the -- than the
20 once a year meeting, to help us develop the agenda, to focus
21 the agenda, to focus the, the issues and concerns that the
22 agency has.

1 So we will put some time towards the end on
2 Wednesday afternoon; if, if anyone has any, any further
3 thoughts on that subject, you know, please, please come
4 forward to share those at the time.

5 What we'll try to do in the sense of running this
6 meeting, absent the, the overall moderator like we had with
7 Jack Dunnigan in the past, is we will have various staff
8 members of the HMS division doing presentations on the issues
9 and concerns that we have and that have been identified.

10 All of you should have received the copy of this
11 year's safe report in the mail, hopefully last week sometime,
12 and chapter 10 is what we call the outlook. That's basically
13 how we developed the agenda for this meeting, some of the
14 ongoing concerns since the FMPs were, were issued, whether or
15 not there were problems in implementing the FMPs or problems
16 that have arisen since then, or concerns that we have had.
17 So that outlook section was really what was driving the
18 agenda. Since we had issued the draft agenda, there were
19 some concern expressed on some parties -- again, this goes
20 back to what Bruce says about some interaction that's perhaps
21 needed in developing the agenda for these meetings.

22 So we have made a few adjustments. We did add a

1 brief presentation tonight on a bluefin tuna quota issue. We
2 had also added a bycatch discussion. Some folks were, were
3 concerned that the AP wouldn't have enough time on the
4 agenda, as it had been drafted, to go over some of the
5 bycatch concerns, the objectives of the FMP towards bycatch
6 reduction. I believe we added that for Tuesday afternoon.

7 Everybody does have a copy of the revised agenda
8 with them in their packages? Okay.

9 So again, what we'll be doing is, we'll be making
10 presentations. Although it is a public meeting, one of the
11 concerns we've had in the past is that, that the AP itself,
12 those members of the -- of the panel, need to have some, some
13 precedents, so to speak, in terms of the, the discussion. So
14 what we'll try to do is, we'll, we'll hold discussion after
15 the presentations to the advisory panel members themselves.

16 And then as time allows, if there are any other
17 members of the public who, who wish to speak on an issue, we
18 have reserved tomorrow night for a dedicated public input
19 session, so to speak. We have three items open for public
20 comment currently, and we'll go through each of those in turn
21 and take public comment on those, as well open it up for any
22 other discussion.

1 So again, hopefully there will be some
2 opportunities, as we go, for input from the public. It's not
3 a full gallery back there, but there's enough people that I'm
4 sure they'll, they'll want to be heard on, on occasion.

5 And like I said, we'll, we'll go through the panel
6 first. What the moderators will try to do, for those of you
7 who have been to these meetings in the past, we'll just make
8 note, by raising your hand, that somebody wishes to speak.
9 We'll try to take you in order. Sometimes we may reshuffle
10 that a little, just to make sure that, that everybody gets a
11 chance to speak; if somebody's spoken a few times in the
12 past, we may take somebody else out of order, just to get
13 perhaps an alternative view point on, on a particular issue.

14 So we'll be following the revised agenda, unless --
15 I guess I'll open it up briefly if there's any lingering
16 concerns on the agenda, something that's just blatantly
17 omitted, something that's on somebody's mind that, that needs
18 to get on there. Again, we have reserved a few hours on
19 Wednesday afternoon for, for other items. If you don't think
20 it would fit in there or would fit better somewhere else, we
21 can entertain those agenda items now. David?

22 MR. WILMOT: Yeah, Chris, two different issues;

1 one, I do see that you added the discussion on bycatch
2 reduction and I appreciate that, because I did send a letter
3 raising concerns that we weren't going to have the
4 opportunity to talk about some of these important issues,
5 including one that's out right now for public comment. I'm
6 not sure that's going to be enough time, but we're just going
7 to have to I guess work that as best we can.

8 I just wanted to reiterate my point that we're
9 going to need some presentations from NMFS staff to be able
10 to have the discussion at the level that I hope we will, and
11 I just wanted to make sure that, as we discussed, that that
12 is going to happen.

13 The second issue is something that didn't make it
14 on, and that is the issue with the sharks. We have a number
15 of actions right now that are -- that are ongoing with the
16 independent review, and then of course the planning of the
17 SEW that's coming up. And I thought it would be very
18 important for us to have the opportunity to talk about those
19 plans here, where they stand and where the agency is planning
20 to go and get our input on that in the -- because these are
21 actions that are going to be taking place over the next few
22 months.

1 MR. ROGERS: Okay. I think we will bring up the
2 shark situation at several points along the way, but
3 certainly if we haven't addressed your particular concerns
4 towards the end of the meeting, then on Wednesday afternoon
5 we'll try to cover that more in depth, as needed. And we do
6 have a presentation planned on the bycatch reduction, so --
7 any other thoughts or concerns on the agenda? Russ Dunn?

8 MR. DUNN: Yeah, just to, and this may be covered
9 underneath bycatch reduction to some extent, but I'm a little
10 bit concerned about, or I'd like an update on, the VMS,
11 status of VMS, and really more importantly, an evaluation or
12 how NMFS plans to evaluate the area closures that are in
13 effect right now, and I don't know where you may be planning
14 to discuss that, but obviously evaluation of the efficacy of
15 those areas is critical to determining whether they're worth
16 continuing, expanding or what.

17 MR. ROGERS: Mm-hmm. Okay, we can -- we can
18 certainly work those items into the agenda. I'll be meeting
19 with the staff after we adjourn tonight, make sure that we
20 get these extra items fit in to the agenda.

21 What I had hoped to do in the next hour or so was
22 just go over a few other items. As I said, the public

1 hearing will be tomorrow night. We have three items that are
2 currently out for public comment. One is a proposed rule to
3 extend, for this year only, the Charleston bunk closure.

4 Another item was an interim final rule to implement
5 some of the items that were implemented by emergency rule
6 previously, with respect to gear requirements for reducing
7 turtle mortality in the long line fisheries. The line cutter
8 dip net provisions of that emergency rule are being extended
9 on a permanent basis.

10 And the other item out for public comment would be
11 the proposed specifications for the bluefin tuna, upcoming
12 bluefin tuna, season, which would include the quotas by
13 category and the effort control schedule for the general
14 category.

15 There probably would be a good point to know -- Bob
16 Pride and some others have some other concerns about the tuna
17 fishing season with respect to the recreational side of
18 things, with catch limits and season dates and things like
19 that, so that would be an appropriate point for that
20 discussion, as well.

21 Okay, as I said, the safe report has been issued.
22 Do we have more copies here for those who didn't get theirs

1 in the mail in time? If not, we'll make sure there's some
2 more copies available either later today or certainly
3 tomorrow morning.

4 MR. McBRIDE: (Inaudible) you mentioned it briefly,
5 but under what category were you going to discuss that -- the
6 follow-up on that meeting we had the other day last week
7 (inaudible)?

8 MR. ROGERS: That would be on Tuesday night.

9 MR. McBRIDE: Tuesday?

10 MR. ROGERS: Tomorrow night's public hearing.

11 MR. McBRIDE: At the public hearing?

12 MR. ROGERS: Yes.

13 MR. McBRIDE: Just out of curiosity, would it be
14 appropriate to be discussed at 3:15 today in HMS recreational
15 fisheries, or this gentleman's not aware of it, or --

16 MR. ROGERS: Well, we can -- we can certainly
17 summarize the concerns that have been raised in the past
18 about the bluefin tuna season, quota monitoring and the
19 interruption, so to speak, that occurred with short notice
20 closures and the new approach that we've taken. I was hoping
21 that there would be some more members of the public available
22 for tomorrow night. We'll see how far we can get today and I

1 would still like to raise that tomorrow night as part of the
2 over all picture, on the bluefin tuna season. That serve
3 your purpose, Joe?

4 MR. McBRIDE: Not really.

5 MR. ROGERS: Okay.

6 MR. McBRIDE: I'd rather have (inaudible) line
7 (inaudible) the panel as per, you know, the 30 guys that met
8 last week to make it simple and succinct, instead of get into
9 a public hearing when it could get discombobulated. At least
10 everybody here would know what our industry is talking about,
11 and Bob might even be able to get copies out to anybody as to
12 what our requests may be. I think it would be more
13 efficient, but you know, what the hell, they threw me out as
14 an administrator 15 years ago, so what do I know about it?
15 But if we could, it would be good, seriously, Chris.

16 A PARTICIPANT: Well, we could (inaudible).

17 (Interruption to tape.)

18 MR. ROGERS: -- staff presentations. One, as I
19 said, the safe report, not that I expect that you've all read
20 it cover to cover in the last week, but it is a very useful
21 document, gives us a snapshot of the situation as it stands
22 now, updates since the FMP was issued, or both the FMPs were

1 issued; some updates on the permit and catches, landing,
2 things like that.

3 And again, I want to emphasize that the outlook
4 section, section ten, was what we used to develop the agenda
5 for this meeting, so if you have some free time during the
6 meeting and you want to peruse that outlook, get -- maybe get
7 a better sense of some of the issues as we see them that we
8 wanted to get some feedback on during the course of this
9 meeting.

10 Just very briefly, ICCAT updates. Of course, the
11 ICCAT advisory committee will be meeting in this very venue
12 next week; I believe they're in this meeting room. No? At
13 the Holiday Inn? All right, they've got the deluxe
14 accommodation. So we don't want to steal their thunder,
15 belabor this point, but I just wanted to make note of four
16 items that will require action for domestic regulations, in
17 one way or another, this coming season, before the next round
18 of ICCAT meetings.

19 One would be South Atlantic swordfish. There was
20 an agreement of sorts on allocation for the South Atlantic
21 swordfish stock. We have already written a letter to the
22 ICCAT secretary, basically indicating we're going to maintain

1 our catches at previous level. I believe that was about 384
2 metric tons.

3 For North Atlantic swordfish, we were -- this sort
4 of came in in the back door of a bigeye recommendation,
5 bigeye tuna recommendation, but we did agree to front Japan
6 400 metric tons of swordfish quotas to help them out in a
7 situation where they were exceeding a quota allocation. So
8 we will be implementing that through rule making.

9 Northern albacore, we did receive a 600 metric ton
10 quota, and it was a one year recommendation from ICCAT on
11 Northern albacore catch allocations, and we did receive a 600
12 metric ton quota reflecting our average catches, basically,
13 over the last 10 years or so. So we will be doing a notice
14 and comment rule making. We don't have anything prepared
15 specifically at this meeting, but the proposed rule, when it
16 comes out, will have its own comment period on how to
17 implement that Northern albacore recommendation.

18 Blue and white marlin, I think that was the most
19 significant event or accomplishment at last year's ICCAT
20 meeting. It did get some concessions by some of the other
21 fishing nations, whether it's target fishing or incidental
22 catch in their long line fisheries, to take some steps at

1 reducing marlin mortality. In achieving that agreement, the
2 United States did agree to hold the line, so to speak
3 representing the status quo of our recreational marlin
4 fisheries. We did agree to a cap of 250 blue and white
5 marlin combined, just for the next two years, and to improve
6 our monitoring situation.

7 So again, that's another item. We don't have the
8 rule-making completed at this point in time, but it will be
9 coming out hopefully in the next month or so, and it will
10 have its own public comment period. We'll be doing hearings
11 up and down the coast on that one.

12 So that's the ICCAT update. Again, this will be
13 dealt with in much greater detail during next week's meeting.

14 Sharon?

15 MS. McKENNA: (Inaudible.) Sorry. When would it
16 be appropriate to discuss that during this meeting, the 250
17 cap?

18 MR. ROGERS: I believe that would come in at this
19 afternoon's recreational fisheries, improving monitoring
20 ICCAT recommendation.

21 MS. McKENNA: Okay, looking forward to it. Thanks.

22 MR. ROGERS: Right. So we'll have that discussion

1 momentarily.

2 Okay, regulatory updates, just to give you an
3 update of things that have occurred and final regulations
4 that are filed at the federal register since the last
5 advisory panel meeting last February. We did publish annual
6 bluefin tuna quotas and (inaudible) controls last year. I
7 think the season was a little bit frustrating for some. It
8 got off to a very slow start like it did the year before, and
9 we specifically request comment on ways to better manage that
10 fishery when the fish and their distribution or migration
11 patterns don't tend to cooperate with the way the regulations
12 are written. So again, that would be open for public comment
13 tomorrow evening.

14 We also published, as I'm sure most people are well
15 aware, the time area closure and gear restriction final rule
16 last August. That was a commitment we had made in the FMP
17 itself. The HMS FMP had proposed a small time area closure
18 off the east coast of Florida, to reduce small swordfish
19 discards. We had pulled that back in releasing the final FMP
20 documents and committed to additional rule making on that
21 subject area and, you know, over the course of the next year
22 had developed a supplemental environmental impact statement

1 and a regulatory amendment to the FMP.

2 So that final rule did close an area off the east
3 coast of Florida, the Charleston Bump, a seasonal closure
4 there; the Desoto Canyon area in the Gulf of Mexico, and it
5 did prohibit the use of live bait in the Gulf of Mexico, and
6 the purpose of that rule making, obviously, were bycatch
7 reduction, although there was a multi-objective approach that
8 we had adopted. So I'm sure they'll have more discussion on
9 that at this meeting, as Russ Dunn had already asked some
10 concern about NMFS will evaluate the effectiveness of these
11 types of rule makings and modify them as necessary in the
12 future.

13 After we had issued that -- well, I guess just
14 prior to issuing that final rule, we received a new
15 biological opinion from the Office of Protected Resources,
16 with respect to sea turtle protection in the HMS fisheries.
17 Well, I guess the consultation involved all listed endangered
18 or threatened species, but the -- I guess you could say the
19 most important outcome of that biological opinion, with
20 respect to action that was required, was leather back and
21 logger head sea turtles, particularly with interactions in
22 the pelagic long line fishery for tunas and sword fish.

1 Because of that biological opinion and the fact
2 that it had the inclusion of jeopardy with respect to the
3 pelagic long line fishery, for logger heads and leather
4 backs, we entered into a scoping period and ended up, I guess
5 on or about October 10th, issuing an emergency rule -- at
6 least it was effective October 10th; I guess published a
7 couple days thereafter -- that did close the Grand Banks
8 fishery, at least a portion of the fishery that occurs in the
9 Grand Banks area of closure. It did require some gear
10 modifications or implements to be carried on board the
11 vessel, dip nets and line clippers to help release turtles.

12 As I said before, we have out for public comment an
13 interim final rule to extend the dip nets and line cutter
14 aspects of that emergency rule, because the emergency rule
15 itself expires on April 9th.

16 We did not extend the Northeast distant closed
17 area, as was embodied in that emergency rule, on the
18 understanding that we will shortly have a new biological
19 opinion, which may have some new information on new
20 requirements which would help us, let's say, reassess, re-
21 address that whole area closure and deal with that more
22 comprehensively.

1 Another final rule that has come out since the last
2 meeting was, we established the quotas that were required for
3 the sword fish rebuilding program that was negotiated in
4 Brazil back in the 1999 ICCAT meeting.

5 Coincident with that swordfish quota rule making,
6 we had done some additional trade restrictions. I guess
7 Panama was off the ICCAT's embargo list; Belize and Honduras
8 had been embargoed for bluefin, and that was extended;
9 swordfish and Equatorial Guinea was also identified as a
10 problem nation. So we had a final rule implementing those
11 trade restrictions and the new quotas for the north Atlantic
12 swordfish fishery to further that rebuilding program along.

13 If anybody wants comments of any of those final
14 rules that had been issued last year, just let us know. I
15 imagine some of them might be in our box of handouts there,
16 but if we don't have enough copies, people are interested,
17 just let us know; we, we can get those for you. Or those who
18 are internet savvy, you can always get copies of proposed and
19 final rules, anything that's published in the federal
20 register, right off the internet now a days. We can get you
21 that website, if you're interested.

22 Legislative updates: there were a couple of

1 legislative items which affected how we do business or what
2 we are required to do. For those of you who are following
3 it, the shark finning prohibition act was signed by the
4 President last December. It does basically prohibit shark
5 finning and has some restrictions on trade in, in shark fins
6 that were obtained through the process of finning, finning by
7 definition being discarding the carcass and keeping the fins.

8 We are currently working on a proposed rule, hopefully that
9 will be out within the next two weeks or so, on implementing
10 that legislation.

11 For the most part, it doesn't affect what was going
12 on in the Atlantic since we already had prohibitions within
13 our existing FMP; however, because of the wording of the
14 legislation, there may be some adjustments as we defer to the
15 national program, as opposed to the specific Atlantic program
16 that has existed before.

17 Spotter planes was also an issue, the use of
18 spotter planes in the bluefin tuna fishery. The
19 appropriations bill that was signed into law, I believe that
20 was also sometime in December, had included a prohibition on
21 the Nation Marine Fisheries Service from issuing permits to
22 general category and harpoon category vessels that use

1 spotter planes to locate and assist in the capture of bluefin
2 tuna. So we also are working on rule making to implement
3 that legislative requirement.

4 I'm sure many of you were following some of the
5 efforts of the 106th Congress to deal with closed areas for
6 bycatch reduction as well as economic assistance packages for
7 those fishermen and shore side dealers who would have been
8 affected by any time area closures. That bill did not pass,
9 or I guess there were actually several versions and several
10 introductions into the Congress, from both the House and
11 Senate side, but none of those efforts came to a final
12 closure in the waning days of Congress.

13 We had been working with the various sponsors of
14 the bill to address some of our concerns that we had, in
15 terms of how the bill's stated, what the requirements would
16 be for the agency and how to implement them. We did, I
17 think, at one point file an official legislative or
18 administration views document on those various bills. But
19 again, none of them passed and were not sent to the
20 President.

21 My understanding is that several Congressional
22 members may be working on revisions to those bills, and they

1 may get reintroduced in this current session. In such case,
2 we'll be working with them, as well, to air our concerns and
3 make sure we have a clear understanding of what is required
4 of the agency, how we would implement the -- whether it be
5 the economic assistance program or any new or additional
6 closed areas.

7 Another legislative item coming up would be
8 Magnuson-Stevens re-authorization. My understanding is that
9 Bill Hogarth (phonetic) will be testifying probably on a
10 Wednesday this week, with respect to the agency's views on
11 re-authorization. So those of you who are interested in or
12 have been following that process could work with your
13 Congressional representatives to get your views heard on what
14 needs to be changed or strengthened or added to Magnuson-
15 Stevens as that gets re-authorized.

16 With respect to litigation, I had just intended to
17 speak briefly on the shark settlement and the VMS remand,
18 since those are two items that have already come up. I
19 didn't know if Mariam had anything to say; you're just
20 nodding for me to continue or --

21 MS. McCALL: (Inaudible.)

22 MR. ROGERS: Mariam, our beloved attorney, will

1 address us on litigation issues.

2 MS. McCALL: Hi. I don't plan to go through each
3 case in excruciating detail. Many of you are plaintiffs and
4 already know what's going on in most of the cases.

5 We have about 10 active cases right now in various
6 stages of litigation that are large numbers. The last two
7 years, I would say, a lot of certainly the lawyers' time and
8 a lot of the HMS staff time was spent working on these
9 various administrative records or a lot of preliminary
10 motions, a lot of things like that.

11 So if you sometimes questions why some of our other
12 actions might be slowing down or not proceeding at least with
13 the haste you would like them to, that is one explanation.
14 Our work continues, as well, on rule making, working on
15 legislation, answering all the letters you write. It's been
16 quite a large work load.

17 But we have a few cases that have ended. I just
18 want to briefly say, as you know on the FMP, there were six
19 challenges. One of them was dismissed per settlement of the
20 parties. The purse seine cap, leaving five cases, and also
21 leaving the first shark case. I think you're all probably
22 aware that the two shark cases have now been dismissed by

1 order of the judge, pursuant to a settlement agreement of the
2 parties.

3 I'd like to explain a little bit more about that
4 settlement. All the parties worked together very, very -- I
5 think it was a lot of work, a lot of discussion. The judge
6 himself encouraged us strongly to settle these cases. It was
7 -- all the parties decided it was in our best interest to
8 settle them.

9 Our main focus, I think for both sides, was to get
10 management of sharks out of the venue of the court; you know,
11 with all due respect to judges, management is best left to, I
12 think, the agency and the public. While we were proceeding
13 with the court under the injunction, the public -- not all
14 parties were certainly involved or -- well, let's just say
15 involved.

16 So what we did was, we all -- we debated,
17 discussed, and determined that the most important thing for
18 all of us was --

19 (End side A, tape 1.)

20 MS. McCALL: -- the level of, if not absolute
21 confidence, that at least at more of a level of acceptance of
22 the stock assessment for sharks.

1 So we agreed, the agency agreed, to have conducted
2 through the Center for Independent Experts, which is kind of
3 a virtual entity of the University of Miami -- the agency has
4 a contract down there. They, they facilitate. They don't
5 have -- they don't hold the peer reviews, but they really get
6 them set up and facilitate independent peer reviews, and have
7 done so for the last few years in various -- for various
8 fisheries issues.

9 That, that peer review is being undertaken right
10 now. It's set up with pretty strict rules about
11 confidentiality. We don't know who is on the peer review
12 panel. I'm not sure anyone does, but certainly the agency
13 does -- doesn't. We only have one person in the agency who's
14 authorized under the settlement agreement to work with the
15 Center for Independent Experts.

16 We understand that the review is well underway, and
17 it's closer to being finished than started, so although I
18 don't have a date by which it will be done, I understand that
19 it's nearing the end.

20 Once the review is done, it's kind of a thumbs up,
21 thumbs down. We asked for specific questions; if it's more -
22 - if the majority of reviewers give a thumbs up -- it's

1 stated slightly more scientifically -- to the stock
2 assessment, the agency would, per the settlement agreement,
3 be able to lower the quotas to the level established in the
4 1999 FMP. We agreed that we would keep them, maintain the
5 quotas at the higher level, pending the conclusion of the
6 stock assessment review. Likewise, if it's more of a thumbs
7 down, we will maintain the quotas at the high -- at the
8 higher level.

9 We also requested recommendations from the
10 scientists, hoping that they will, you know, make
11 recommendations that would help improve the next stock
12 assessment. Per the settlement, there will be a stock
13 assessment. This year, depend -- the timing of that, I
14 think, will depend upon the magnitude of the recommendations
15 and the results of the peer review.

16 We also agreed to have a second peer review of the
17 2001 stock assessment.

18 So those are the principal parts of the -- of the
19 settlement agreement. Are there any questions on that? Sure
20 (inaudible). Who is that? I can't see. Oh, Bob Hueter.

21 DR. HUETER: Bob Hueter, from Mote Marine Lab.

22 Just a quick question, Mariam. I believe that I -- that I

1 know who is heading up the independent review, and unless I
2 totally misunderstood that person or my information is wrong,
3 I spoke to him last week and I don't think he's even gotten
4 the data yet. So I don't think it's well underway.

5 And other than having chosen the independent
6 scientist who are supposed to be looking at this, I -- my
7 understanding is that it's got quite a ways to go yet.

8 MS. McCALL: Hmm, okay, thanks. Yeah, we had heard
9 some reports along those lines last week and did a double
10 check, and got the information that I have. But, you know --

11 DR. HUETER: Well, I know what you --

12 MS. McCALL: Who knows, so --

13 DR. HUETER: This person is very excited about the
14 opportunity. He's not in this room. He's very anxious to
15 get going, but, you know (inaudible).

16 MS. McCALL: Okay, well, I'll look into it again
17 and have my contact -- like I say, you know, I don't know
18 who's participating. I'm not even involved in it. So Dave,
19 did you have a question or comment?

20 MR. WILMOT: Yes. You said the timing of the SEW
21 will depend on the magnitude of the recommendations. What
22 does that mean?

1 MS. McCALL: Yeah, that means that the Southeast
2 Center, they're anxiously awaiting the results so that they
3 can schedule the stock assessment. If, you know, there are a
4 lot of recommendations, a lot of suggestions for improvement
5 in data or whatever, that might mean that it would take
6 longer to prepare for the assessment. So they felt, and it's
7 actually drafted into the settlement agreement, that the
8 timing is dependent upon the results. Hopefully it will be
9 soon -- you know, sooner than later, but it's impossible to
10 predict right now.

11 MR. WILMOT: Well, I certainly understand
12 adjustments in either the methodology or the participants,
13 based on the recommendations, but we're going to do another
14 assessment. We know who the players are who are going -- I
15 just don't understand why the timing would be that dependent.
16 Data needs are data needs; we're not going to be able wait
17 10 years to collect the data. We actually need to have a
18 significantly improved assessment.

19 So as I say, it just really means bringing a couple
20 of different people in, to bring a new methodology, or
21 adapting the methodology, etc. So I really am not sure why
22 we would not be able to schedule it now within at least a

1 couple of months' time frame.

2 MS. McCALL: Rusty? As you all know, Rusty was a
3 plaintiff and was a partner with us in settling this, so --

4 MR. HUDSON: Thank you, Mariam. With regards to
5 this independent review, I understand that two months was to
6 be allowed for the scientists to actually do the analysis
7 with the data. I'm not certain who Bob's talking to if he's
8 talking with Jay Grice (phonetic), who's in charge of the
9 whole thing, but if he's talking to one of the scientists, I
10 believe they're not supposed to be talking.

11 And second off, I understand that the shark
12 evaluation workshop will be scheduled so that it will take
13 place by late Spring, which would take us to June 22nd
14 whenever, whenever summer starts, so I would figure that we'd
15 have to have at least two to four weeks' notice and then they
16 have to get it all put together, probably in Panama City or
17 Miami and etc.

18 But that's as much as I know. The only thing I've
19 heard is through NMFS that things were going along and seemed
20 to be on schedule.

21 MS. McCALL: That's our understanding, so Sonja?

22 MS. FORDHAM: Sonja Fordham, Center for Marine

1 Conservation. I just want to clarify: up until last week it
2 was our understanding that if the science does get the thumbs
3 up that the regulations to implement the '99 regs will be put
4 in, in time for the July first season. Is that still true?

5 MS. McCALL: Yes, I believe so. I think the way
6 it's drafted is that we can take action immediately to do
7 that.

8 Okay, so that's for sharks. A couple of other
9 points. We have a couple of other cases in addition to
10 challenges to the fisheries management plan.

11 There is a case that was filed in the court of
12 federal claims, a takings case, where a fisherman has claimed
13 that the prohibition on the use of drift gillnets in the
14 sword fish fishery improperly took his property under the
15 Fifth Amendment of the Constitution. And we've been working
16 on preliminary motions in that case. This is a case not
17 against the fishery service but against the United States.

18 We -- the United States moved to dismiss that case,
19 claiming that there is not such a property right that is
20 compensable under the Constitution. The court agreed with
21 the government, dismissed the case, but now that has been
22 appealed, so we're working on that as well.

1 And there's also one limited access permit appeal.

2 We denied through the administrative appeal process a
3 limited access permit, and that denial has been appealed in
4 federal court.

5 In addition, there are -- you know, there was
6 originally the one challenge to the time area rule. When we
7 went final last fall, late summer with the, the time area
8 measures, we had several additional cases; now there are
9 three challenges to the rule. They've been consolidated to
10 be heard by one judge in Washington, DC. A lot of flurries
11 of motions and things.

12 That came -- those three cases are being briefed
13 right now. One is a challenge by commercial fishermen and
14 dealers, claiming that the Florida closure in essence goes
15 too far; one is a challenge by recreational interests
16 claiming that it doesn't go far enough for billfish; and a
17 similar claim from the environmental community or certain
18 organizations.

19 I do just want to put you all on notice right now
20 that when we get to these issues on the agenda, we are not --
21 we do not intend to engage in debate over the merits, legal
22 or otherwise, of these closures; we're briefing those cases

1 right now. And it's unfortunate, but it's a fact of life,
2 that court is the venue that we have to use right now for
3 these kinds of arguments. Certainly a lot of you around the
4 table have views and, you know, I can't muzzle you, but I
5 would certainly say that we don't intend to debate.

6 We want to give you the information and we want to
7 discuss what the next steps are. So I would encourage all of
8 you to, you know, while I know you're going to have your
9 opinions and you will want to state them, but perhaps to keep
10 the meeting from getting bogged down in that --

11 One of the questions was about, maybe Rust raised
12 it, the status of VMS, so that's the last thing I'd like to
13 touch on. As you all know, in the case that -- the Blue
14 Water case that was challenging the mid Atlantic closure and
15 among other things, the application of VMS to all pelagic
16 long line vessels. The judge remanded to the agency the
17 issue of VMS, asking for a broader, more comprehensive
18 analysis of that issue. We went out for public comment on
19 that, and we're in the final stages of preparing our report
20 back to the court, so that should be filed with the court
21 within -- soon.

22 So any -- are there any questions on litigation?

1 Ah, there is the one -- the one case that I wanted to
2 mention, the challenge that we had to the L shaped closure in
3 the grand banks, the -- what I refer to now as the turtle
4 case. I have to have, you know, short cuts for referring --
5 nick names for all these cases, otherwise I can't keep them
6 straight.

7 That case we agreed with the plaintiffs to stay the
8 briefing, pending -- well, pending now, to see if we were
9 going to extend that emergency rule. We did not extend it,
10 so those issues are not going to be briefed and we agreed
11 with the plaintiffs that if we issue -- when we issue the
12 biological opinion, which is going to be a topic on this
13 agenda -- when we release it that -- and if the plaintiffs
14 want to continue to challenge it, we would meet with them and
15 develop a briefing schedule for that challenge.

16 Yes?

17 A PARTICIPANT: The yellowfin tuna, is there an
18 action, in some shape or form, regarding the bag limit for
19 the recreational catch in progress now? No?

20 MS. McCALL: No, for all the other cases that I
21 didn't mention specifically, they've all been briefed and
22 argued, or briefed, which means we're waiting for the judge

1 to take the next step. The National Audubon challenge to the
2 bluefin rebuilding plan has been briefed and argued; we're
3 waiting. The yellowfin case has been briefed; we're waiting.

4 A PARTICIPANT: Thank you.

5 MS. McCALL: Yes?

6 A PARTICIPANT: Thank you. On the VMS litigation,
7 what was the main thrust or the reason that they were saying
8 they didn't want it implemented? What was the -- what was
9 some of the pleadings in that? Is there maybe too many to go
10 over right now?

11 MS. McCALL: I think the thrust of the argument was
12 that the plaintiffs felt we didn't tailor the requirement
13 narrowly enough. It was a -- we put into place a requirement
14 that all pelagic long line vessels must have VMS when they're
15 fishing, all pelagic long line vessels with an HMS permit.

16 And the plaintiffs felt that it could have been
17 more narrowly tailored, for instance saying that -- I won't
18 have my geography right here, but that only -- perhaps only
19 vessels near who have -- fish near the time area of closures
20 should have to have the VMS, or the vessels that fish on the
21 high seas should have to have VMS, but to make every single
22 vessel have it, because it is an expense, was too onerous and

1 unnecessary. So the judge asked for more explanation of that
2 and more analysis.

3 That -- was that a fair characterization, Nelson?
4 Not bad for a bad memory, here. Okay, I guess that's it.
5 Thanks. You can come to court if you want to see the great
6 arguments on the time area of closure. I don't know when
7 this -- when the arguments are going to be scheduled, but it
8 should be at least a full day of arguments, probably
9 interesting only to a few lawyers.

10 MR. ROGERS: Okay, thank you, Mariam. Did that
11 answer -- Russ, then did that answer your question or do we
12 need to keep that on the agenda? You had asked for the VMS
13 (inaudible) --

14 A PARTICIPANT: (Inaudible.) I was hoping you
15 might be able to provide a (inaudible).

16 A PARTICIPANT: Three weeks ago in a meeting with
17 Dr. Hogarth, we were told probably two weeks, and then we had
18 another meeting last week and he said, well, a couple more
19 weeks, and then Chris told us last week that it was, I guess,
20 in the hands of justice and you're waiting to hear back and
21 I'm waiting to hear if we have a --

22 MS. McCALL: Well, to quote my good friend Rebecca

1 Lent, it's never been closer to getting to court. And that's
2 as far as I'm going to go.

3 MR. ROGERS: Okay. I had one further item from
4 this afternoon's sort of opening ceremonies, and that was
5 just to give you an update on the National Observer program.

6 We have with us in the back Vicky Cornish (phonetic). You
7 want to wave your hand? She is the head person of the pretty
8 new program of the Nnational Marine Fisheries Service, called
9 the National Observer program.

10 It was established in March, 1999 to address
11 nationwide Observer Program issues. I guess pretty much
12 before that, within the agency, we were tackling observer
13 issues on somewhat of a piece meal basis with the particular
14 issues of the particular fishery and folks realized that
15 there were a lot of issues that had broader reach than a
16 particular fishery and there was a rising concern within the
17 agency that we needed to address some of these issues on a
18 nation -- or nationwide basis.

19 The program is in NMFS' headquarters. It's in the
20 Office of Science and Technology, and Vicky Cornish is the
21 lead on that program. She's got a long history with working
22 with observers with -- in the -- within the agency, and she's

1 a good asset. If any of you have concerns or questions about
2 the observer program, certainly feel free to contact her. We
3 can get you her phone number.

4 But just to give you a feel for some of the
5 initiatives that that program will be working on, the primary
6 objectives of the National Observer program are to develop
7 national standards and policies to improve the quality of
8 data collected through observers; to advocate for better
9 funding and support -- that's always been a point of
10 contention as to whether or not observer coverage has been at
11 adequate levels to extrapolate fleet wide, with the data that
12 is collected; to improve communication and outreach between
13 the management and scientists, users of the data as well the
14 fishermen who are hosting the observers while they're out on
15 their -- on their fishing trips.

16 Some of these national initiatives are observer
17 safety, with some training workshops. One of the most thorny
18 issues that we've always faced with observers is liability
19 when observers are on the vessels, so there's some labor
20 liability and insurance work that's on going to resolve some
21 of those issues.

22 Contracting standards: as I said, it was somewhat

1 of a piecemeal program within the agency. Some observes were
2 agency employees, some were contracted directly by the agency
3 and some were third party contractors with the go between.
4 Some of the universities had set up programs where they were
5 hiring graduate students and undergraduates for summertime
6 help, and it was sort of a third party situation.

7 Another concern has always been, is -- with respect
8 to funding, is whether or not there's a means of a fair or
9 equitable cost sharing that -- program that could be
10 developed with the industry. I know that there have been
11 some attempts at cost sharing in Alaska.

12 But anyway, that's the focus of the National
13 Observer program. The other item of interest for observers
14 is, there has been some new money appropriated for fiscal
15 year 2001, and I guess you could say that the highly
16 migratory species fisheries were a high priority for the
17 agency in developing its spending plans for that new money,
18 so we should have some renewed initiatives to get some better
19 coverage throughout the range of particularly pelagic long
20 line fishery.

21 Another fishery that's been of concern is the
22 southeastern U.S. shark gillnet fishery, as well as the shark

1 bottom long line fishery. So we'll be making good use of
2 those new funds, available for 2001.

3 That's basically what I had as far as these opening
4 remarks, overviews and updates. I just -- I've been accused
5 at places like ICCAT that I speak too fast and I'm burning up
6 the translators and things like that, but -- so I had
7 budgeted enough time here to go through it slowly and I see
8 I've got 45 minutes extra.

9 So if I need to start all over and say it more
10 slowly, let me know; otherwise we can just have -- take some
11 comment on items that have already been presented. Nelson?

12 MR. BEIDEMAN: Nelson Beideman, Blue Water. On the
13 observer program, in the FMP, there is observer requirements
14 for a voluntary program and charter head boat. Last year, we
15 were told we were waiting on this year's money to implement
16 that program. You didn't mention any -- anything on, on that
17 program.

18 MR. ROGERS: I guess you could say it didn't make
19 the cut with respect to the new moneys that were available,
20 and unfortunately we're still not in a position of knowing
21 what our old money -- what old moneys are available. We
22 expect to have a final word on our budget within the next

1 week or so, so you know, certainly that is in the hopper for
2 something that we can spend money on, should the money be
3 available. But as far as the priority -- prioritization
4 process for this new money, certain other fisheries were held
5 to be more important for that money. So --

6 A PARTICIPANT: A question for Mariam. Would that
7 be legally defensible that you continue pouring money on, you
8 know, specific fisheries but not implement the regulations
9 that are already passed on other fishers? It's a fair
10 question. We'll see.

11 MS. McCALL: I thought that -- Chris, isn't this
12 item going to come up for more discussion in kind of the both
13 narrow and broader sense?

14 MR. ROGERS: Well, in the broader, broader sense,
15 we had on various points on the agenda, look -- looking at
16 monitoring issues, whether it's log book or surveys or what
17 have you. You know, we could certainly maybe bring it in
18 under the -- maybe the log book discussions or we have -- we
19 do have some time now, it's -- if you want to deliberate a
20 little bit further on that.

21 As I said, the FMP does establish the authority for
22 observing, or (inaudible) observer coverage for any of the

1 HMS permitted vessels, which would include all gear types.
2 We did establish it on a voluntary basis for the charter boat
3 and private boat sector, recognizing some of the issues with
4 the smaller vessels and the concerns about clientele, room --
5 enough room for clientele on a charter boat or head boat
6 situation.

7 We have placed on head boats in the past, through
8 the large pelagic survey, situations where we actually paid
9 for a person to ride and basically do what you would call a
10 roving creole survey on the dock side, base -- but actually
11 do it on board the vessels, and particularly some of the over
12 night head boats trips out to Hudson Canyon.

13 But it's a program that's on the drawing board, so
14 to speak, and it's really contingent upon funding. Nelson?

15 MR. BEIDEMAN: Yeah, Chris. I didn't want to open
16 up the debate on, you know, measures that are already passed
17 and in the regulation, but you know, last year we were told
18 that all's that it was waiting for was funding, and you know,
19 just a question to you as the chief of the HMS division: do
20 you consider that we have, you know, more information on the
21 catches and disposition of catches, etc, for the charter head
22 boat fleet or for the pelagic long line fleet? I mean, where

1 is the lack of information that needs to be filled in?

2 MR. ROGERS: Well, we do recognize that there are
3 deficiencies in our information set, with respect to
4 particular fisheries. Again, it's been a system of not
5 having adequate funds and trying to prioritize use of those
6 funds.

7 MR. BEIDEMAN: But those deficiencies have been
8 recognized year after year after year. They've been
9 recognized by ICCAT; they've been recognized by the ICCAT
10 advisory committee; they've been recognized by, by this body;
11 they've been recognized in the fishery management
12 (inaudible). But just recognizing these deficiencies and
13 then pouring money into cranking up the microscope on the
14 pelagic long line fisheries that's right down to almost
15 nothing, you know, that has to come into a legal question
16 with the Magnuson act. Sorry.

17 A PARTICIPANT: Chris, you mentioned about shark
18 money for the bottom long line. Is that money going to be
19 directed to George Burgess and the commercial shark fishing
20 observer program, or is it also going to be some other
21 observer actions with the bottom long liners?

22 MR. ROGERS: In the past, we have contracted

1 through George Burgess for observers for that fishery and I
2 would expect we would continue in the future. I -- but
3 again, it's a available funds issue right now.

4 MR. SAMPSON: Okay, on the available funds, is
5 there a dollar mark that's going to be directed towards him,
6 and will it be sufficient to gain 2 to 5 percent observer
7 level on the bottom long line shark fishing?

8 MR. ROGERS: Thank you, Mark. I don't know what
9 the exact percentages were in years past, but I know we have
10 spent on the order of about 150,000 for that, that contract
11 and that's what we were trying to drum up for this year. So
12 basically, similar to past years, in terms of the level of
13 coverage.

14 A PARTICIPANT: Of money?

15 MR. ROGERS: Well, level of money to hopefully buy
16 the same amount of coverage as we had achieved in the past.

17 A PARTICIPANT: Has he had some observer -- maybe
18 he's had some observers already. I'm just wondering what
19 kind of percentage he's done with the reduced money, because
20 normally when Steve Randsatter (phonetic) handled it, they
21 did get to observe quite a bit of shark for several years
22 running.

1 MR. ROGERS: Okay, unfortunately I'm not familiar
2 with the costs in coverage of all those contracts, but we can
3 get that information for you.

4 Did -- was that --

5 MR. McBRIDE: (Inaudible.) If I may, two factors.

6 One, I want to thank Nelson for reminding the industry about
7 our offer from last year, the charter and party boat industry
8 (inaudible) in Montauk that we'd be delighted to have
9 selected observers in a voluntary program, as soon as we feel
10 it's ready to go, and I think we've said that a number of
11 years running, not to put the onus back on you that -- you
12 know, whenever you're ready for it and the budget, we'll
13 certainly cooperate with that, because if we're asking
14 fishery A to have observers then fishery B should have them
15 also, including charter and party boats, in fairness.

16 Secondly, what I would like to ask the young lady
17 in charge of the observer program, if she'd enlighten this
18 panel as to the percentage of observer coverage in the
19 different fisheries where you do have observers, like let's
20 say long line, for example. I'm sure Nelson would know, but
21 I don't know: is it 25, 30 percent coverage? Is it -- you
22 know, something like that. Could you give us those figures?

1 MS. CORNISH: (Inaudible.)

2 A PARTICIPANT: Yeah, well, certainly in reference
3 to this panel, it would -- I guess it would be nationally.
4 Would it be nationally, Chris and -- no, just for the East
5 coast and the Gulf of Mexico, looks like. Well, but it
6 doesn't have to be exact, but --

7 MS. CORNISH: On the East coast we have protected
8 species programs operating in several gillnet fisheries, and
9 the coverage in those fisheries range around 5 percent, not
10 very much over about 5 percent. The mid Atlantic coastal
11 gillnet fishers come in (inaudible) fish (inaudible).

12 MR. ROGERS: All right, well, Glen had his hand up
13 first, and then Nelson.

14 MR. DELANEY: Yeah, I just want to clarify: the
15 money that was appropriated for this year was potentially
16 available for placing observers on non-commercial fisheries?

17 MR. ROGERS: I'm not exactly familiar with the
18 appropriations language, but there was, as I said, a
19 prioritization process that the agency went through to spend
20 that money.

21 MR. DELANEY: So --

22 MR. ROGERS: Do you have any insight? Was there

1 any restrictions or --

2 MR. DELANEY: I don't believe so, but I'd like you
3 to answer the question.

4 MR. ROGERS: Do -- can I answer the question? If
5 there were no restrictions on it, then it was process of
6 ranking the importance of spending the money, the pot that
7 was available.

8 MR. DELANEY: I don't want to put words in your
9 mouth. So you're saying that a policy decision was made at
10 the agency to --

11 MR. ROGERS: Well, it had to be.

12 MR. DELANEY: -- spend the money --

13 MR. ROGERS: We only had X amount of money; we had
14 to spend it.

15 MR. DELANEY: -- to spend the money on those areas
16 and not to address the deficiencies that we discussed earlier
17 in the recreational catch data base?

18 MR. ROGERS: Well, the spending plan, as I
19 understand, is not completely final yet, but again, we're
20 looking at many concerns, not only fisheries management
21 concerns: bycatch concerns, protected species concerns. And
22 I know that we have continued -- Anne Lang is our

1 representative on this national observer program. We've
2 continued to keep it active, so to speak, as a line item, to
3 fund these recreational fisheries for observer coverage.

4 I don't know if -- I'm not the most -- one most
5 qualified to speak on the process of prioritization, but it's
6 --

7 MR. DELANEY: Okay, well, it's an important one,
8 I'm sure, since the result is the way it is, but did any
9 scientists participate in that prioritization process or --

10 MR. ROGERS: My understanding was that folks from
11 both the Northeast Science Center and Southeast Science
12 Center participated in that.

13 MR. DELANEY: And so therefore the scientific need
14 for increased percentage of observer coverage was the basis
15 for spending that money on, for example, the long line
16 fishery?

17 MR. ROGERS: Well, --

18 MR. DELANEY: I mean, I think a lot of people walk
19 around with the notion that statistically you need some level
20 of observer coverage, and most of the people that walk around
21 and talk about big numbers have no scientific background or
22 understanding of the statistical processes that are involved.

1 And so when you talk about 5 or 10 percent coverage or 5 or
2 1 percent coverage, they sound like low numbers, but
3 statistically may be perfectly adequate.

4 MR. ROGERS: Right.

5 MR. DELANEY: That's why I was concerned about the
6 prioritization process and whether or not it had any
7 scientific input to it.

8 MR. ROGERS: Right. My understanding is that there
9 is an attempt for each fishery to look at the issues. Now,
10 of course, if you prioritize covering the fishery for a
11 bluefin discard issue, it may not be the same priority as you
12 would need for a turtle interaction issue, and that if you
13 try to stack one up against the other, you know, depending on
14 an individual's perspective, you might come up with a
15 different judgement on the priorities.

16 MR. DELANEY: But one thing we do know is that we
17 have zero percent coverage in most recreational fisheries.

18 MR. ROGERS: Mm-hmm. Well, not zero.

19 MR. DELANEY: Which --

20 MR. ROGERS: I did mention the head boat trips out
21 from Hudson Canyon.

22 MR. DELANEY: I said in most recreational

1 fisheries.

2 MR. ROGERS: Most recreation, okay.

3 MR. DELANEY: And I think we can assume that that's
4 probably insufficient, statistically.

5 MR. ROGERS: Okay, Nelson?

6 MR. BEIDEMAN: Nelson Beideman, Blue Water. One
7 concern that you didn't raise, Chris, is that we've had for
8 several years now an ICCAT recommendation, not a resolution
9 but an ICCAT recommendation, binding conservation
10 international agreement that the United States has agreed to,
11 that says we will have 5 percent coverage on all fishing
12 vessels targeting yellowfin tuna and bigeye tuna. It doesn't
13 say pelagic long line, it says fishing vessels.

14 And I was on that delegation. That delegation 100
15 percent understood that this included recreational coverage,
16 charter head boat coverage. We also understood that private
17 recreational, the equivalent to observers on, on private
18 recreational, is dock side intercepts. Has dock side
19 intercepts been increased to a 5 percent level?

20 MR. ROGERS: Well, it would -- it would be hard to
21 predict. That is a function of effort. What we do is, we
22 contract for assignments, a specific amount time on a site.

1 We try to prioritize the sites for, in this case, highly
2 migratory species fishing, whether it be yellowfin trips out
3 of -- out of Cape May or Port Pleasant to Hudson Canyon or
4 Montauk, or bluefin tuna trips out of Wachapree (phonetic).
5 We get what we get. If somebody is assigned at random to a
6 site for a four-hour period --

7 MR. BEIDEMAN: Is 5 percent covered or not?

8 MR. ROGERS: Well, in some -- in some states it may
9 be over 5 percent. You know, it depends on the number of
10 trips that are being taken out of that site on a particular -
11 -

12 MR. BEIDEMAN: But not over all.

13 MR. ROGERS: Over all, I don't have the numbers in
14 front of me, but you know, again, it really depends on the
15 level of effort.

16 MR. BEIDEMAN: (Inaudible) telephone survey.

17 MR. ROGERS: And we have the parallel (inaudible).

18 MR. BEIDEMAN: This is a recommendation that the
19 United States has signed several years ago and has been
20 continuously ignoring.

21 MR. ROGERS: All right, well, we will revisit this
22 as we get some final information on our budget this year.

1 Rom Whitaker?

2 MR. WHITAKER: Rom Whitaker, Hatteras Charter

3 Boats. Just to add a little bit, I probably dock side survey
4 at least 30 percent of the time, and I'm not sure -- I mean,
5 I would welcome observers on my boat any time, but I really
6 feel like, myself, that it would be a little bit of a waste
7 of money. I mean, for me to try to get five or six people to
8 come up with exactly the same story on what we caught for the
9 day would be -- obviously it would be very hard to do, but --
10 and they do ask them what was released and what was caught.

11 So I feel like -- I can only speak for North
12 Carolina, but I feel like they would be way above 5 percent.

13 I mean, during the winter, literally 100 percent of my trips
14 are dock side survey, yesterday included.

15 MR. ROGERS: Can I defer to Clarence? He may have
16 to leave here shortly.

17 A PARTICIPANT: No, I was just going to say is, for
18 information, in the North Pacific we have a real large
19 commercial fleet. The council put in a observer program. We
20 were at the same point you were back in the late '80s when we
21 had just a pilot program with one or -- with about 3 percent
22 coverage or something like that. We couldn't get any money

1 for it.

2 And so the council put in an observer program there
3 that is completely paid for by industry, where every vessel,
4 commercial vessel, that's fishing ground fish in the north
5 Pacific that's over 125 feet has to have one or two observers
6 on it, and then vessels that are between 60 and 125 feet have
7 to have 30 percent coverage, and vessels below 60 feet don't
8 have any observers on them.

9 And getting back to the confidence intervals, most
10 of our studies, statistical studies up there, have shown that
11 you get significant decreases in your -- the size of your
12 confidence intervals when you get up around 20 to 25 percent
13 coverage, for our fisheries up there.

14 And the observer program itself has helped us to
15 construct some very innovative management programs, where the
16 fishermen have been able -- because they've had people out
17 there on the fleet, have been able to show that there's a
18 careful -- doing a much more -- a better job of reducing the
19 mortality of, for instance, bycatch and halibut and other
20 species, and they've gotten credit for it. And so it's been
21 a good success story up there in Alaska, as far as the
22 observer coverage.

1 A PARTICIPANT: Yes, thank you. Speaking from
2 Rhode Island, as far as the dock side surveys go, I would say
3 95 to 100 percent of all trips are intercepted in Rhode
4 Island. And as far as on board, you mentioned placing people
5 on board for trips, we've had it somewhere between 10 and 20
6 times in the past year.

7 A PARTICIPANT: Two points. One just to respond to
8 the sample of two out of I think the 10 million marine
9 anglers at the Atlantic -- the American Sport Fishing
10 Association claims that I -- I'd say that was probably not a
11 scientific sample right there.

12 But we're not just talking about charter boat
13 operators in concentrated ports where NMFS does station
14 observers and port inspectors; we're talking about the
15 distribution of recreational fishing, from Maine to Texas,
16 and everybody in private boats, as well. And that is the
17 U.S. obligation and it's the law. Therefore, and why it's
18 not been implemented when we did have money that could have
19 been used to address that obligation, when we do have
20 statistically valid information on many of the bycatch
21 species, is just another policy decision by NMFS that we'll
22 have to look into.

1 To address Clarence's, I'm extremely familiar with
2 what goes on in the north Pacific. I represent the largest
3 seafood company in the north Pacific, and operates quite a
4 few vessels and contracts with quite a few vessels.

5 And there is a good reason why there's a 60 foot
6 limit on observers in the north Pacific, because those
7 vessels generally are unequipped to carry observers. Well,
8 Clarence, just so you understand, and believe me, I know you
9 don't know this fishery like you know the one up there, we
10 hardly have any vessels more than 60 feet long; most of them
11 are smaller.

12 And please don't take my comments or Nelson's or
13 others from our industry as being anti-observer, anti-
14 information. We crave the information, because often the
15 assumptions that are made by the agency are so far from the
16 reality that we see. You're right, we expect that that type
17 of information would reveal the truth.

18 The concerns we have are, how are we going to
19 accommodate observers on vessels where some of them are
20 already hot bunking their own crew and travel great distances
21 in the ocean? There -- you know, you're dealing with a fleet
22 of vessels, for the most part, that have 100 percent observer

1 coverage or even 30 percent, that dwarf -- I mean, they could
2 carry our vessels on their back deck, literally.

3 So let's put it into a little perspective. Don't
4 think that our industry's against that at all; it's quite the
5 opposite. We just cannot have requirement that we have
6 absolutely no ability to implement. And I'm glad to hear
7 that the agency is putting some people focused on this,
8 because there needs to be some understanding of the practical
9 realities and safety concerns of putting additional people on
10 a vessel, particularly the distant water heads.

11 MR. ROGERS: Put the mike on (inaudible) --

12 MR. McBRIDE: Using -- again, I'm not a
13 statistician, so you'll have to forgive my ignorance, but
14 using Glen's analogy, would it be possible, for example, that
15 whatever percentage of coverage you have, and I'd like to
16 concur for the record that in the Port of Montauk where the
17 HMS species are predominant, the tuna fish of one category or
18 another, we get almost daily coverage on the dock side
19 coverage, and we cooperate with them in the port of Montauk,
20 at least the members, 100 members, of the association.

21 So we do what we can do to increase the percentage
22 of coverage, but is it possible, whatever percentage coast

1 wide that you have, would be sufficient statistically to
2 serve your purpose? Similar to the analogy that Glen made
3 regarding the long line coverage, whether it's 5 percent, 3
4 percent, 10 percent; I don't know what it is. Is that a
5 possibility?

6 MR. ROGERS: Well, that would be a statistical
7 problem, as Clarence has just mentioned that there were
8 observations in the brownfish, the Alaska brownfish
9 fisheries, where if you get a low level of coverage, you're
10 going to have a high bearing on the observations with respect
11 to ICCAT or TAR-catch (phonetic), whatever you're trying to
12 measure. You may notice as you increase coverage that your
13 confidence limits decrease to some point where you may
14 conclude that above 25 percent, it's not cost effective;
15 you're not going to get any better from going 25 percent to
16 50 percent.

17 And that's a statistician's problem. That's what
18 the folks in the science centers do, in terms of coming up
19 with these plans of who to select and how frequently to
20 select that kind of thing.

21 MR. McBRIDE: But the simple answer for a simple
22 person here, as -- you're saying, in essence, that it is

1 possible that whatever coverage you have for our industry is
2 sufficient to give you the statistics that you need?

3 MR. ROGERS: Well, there's a concern whether that's
4 considered self-reportive data, whether it's a dock side
5 intercept or a log book situation. There's some concern
6 about what is being missed that's not directly observed by a
7 third party. So there's something to be said for having some
8 at-sea observer coverage, to the effect that you can -- you
9 can test the reasonableness or the appropriateness of the
10 dock side or log book programs.

11 MR. McBRIDE: Okay, thank you.

12 MR. ROGERS: Steve Berkley and then Nelson then
13 Glen.

14 MR. BERKLEY: Yeah, thank you, Chris. Yeah, my
15 question is, and I'm enjoying this little -- this debate.
16 It's the same debate the last time I was here, which was
17 about two years ago.

18 But I'm curious, has -- in the interim, has anybody
19 sat down and, based on what we already do know about
20 recreational catch rates, has sat down and developed an
21 estimate of what the coverage would have to be, observer
22 coverage, and what the cost of the program would be to get an

1 adequate statistical sample from the observer program? My
2 sense is that 5 percent may or may not be adequate for
3 commercial long line fishery, but that it would certainly not
4 adequate for a recreational fishery in which the encounter
5 rate is so much lower.

6 But I don't -- I don't -- I don't know if anybody's
7 done that. That seems to me to be the logical first step,
8 rather than just pulling a number out of the -- out of the
9 air and saying we need to share the misery with the
10 recreational fishery. I think we should do this a little bit
11 more objectively and see what it would take to, to have an
12 adequate observer program.

13 MR. ROGERS: I don't know that anybody within the
14 agency has done a sort of a statistical power analysis, but
15 we have in various documents or proposals of getting this
16 aspect of observer coverage funded, at least come up with
17 some preliminary, I guess you could say back of the envelope
18 calculations of X many trips, if we try to achieve X percent
19 coverage, how much would it cost, that -- and that kind of
20 thing.

21 Again, that would be a new program. It's primarily
22 day trips that you could identify from particular ports, so

1 it probably would cost less per day than something like a
2 grand banks trip where you're going to have to pay for the
3 at-sea time where they're steaming to and from the grounds
4 and things like that.

5 So the short answer is, yeah we've taken some straw
6 man overview looks at it, but until we can actually get
7 something implemented, get some hard cost information and
8 some bearings calculations, we won't be able to do a foot
9 long statistical analysis.

10 MR. BERKELY: But even -- could you just give us
11 some sense, the back of the envelope calculation, what that
12 showed, what the cost of an adequate program would be
13 (inaudible)?

14 MR. ROGERS: What was the -- what were you talking
15 about this morning, Ann? It was about --

16 MS. LANG: One point five million.

17 MR. ROGERS: One point five million is what we've
18 put in for the fiscal year 2003 budget proposal for
19 recreational --

20 MS. LANG: (Inaudible.)

21 MR. ROGERS: It was two -- well, it -- it's been
22 submitted, you know, recycled each year for 1.5 million.

1 MR. BERKELY: And for comparison, what does the
2 long line observer program cost now, as it's implemented?

3 MR. ROGERS: I think on the order of two million
4 sometimes, when we cobble together all sources, per year.

5 A PARTICIPANT: (Inaudible.)

6 (Interruption to tape.)

7 A PARTICIPANT: Yeah, I've got several things to
8 cover here. For one thing, I wanted to give Mr. Potsky
9 (phonetic) a little bit more of the background. First off,
10 I'd like you to know that the U.S. Atlantic pelagic long line
11 fishery is not against observer coverage. We have never been
12 against observer coverage; in fact, back in the early '90's,
13 we went to the Hill and we were successful in getting an East
14 coast observer coverage package, which was for HMS fisheries,
15 that was \$750,000 per year. And that package was intended to
16 be for all HMS fisheries, not just the pelagic long line
17 fishery.

18 What we have here is, over the last 11 years, it's
19 built into one heck of a fairness and equity argument. Since
20 the '60's, this fishery put in all the data it could possibly
21 put in voluntarily. We did every university study that was
22 asked of us. We did amazing amounts of scientific research.

1 We felt that better science would mean better fisheries
2 management.

3 We wanted to lay reality on the table, because
4 people kept trying to paint a bull's eye on this one hook and
5 line fishery. The exact same hook, line and bait within
6 sight of one another, to one fisherman, it's a grand prize;
7 to the other fisherman, it's against the law. Those hooks
8 and baits are catching the same variety of species,
9 basically. We wanted to, to lay that on the table, and we
10 still feel that if all the information is indeed laid on the
11 table, this fishery will be absolutely vindicated.

12 We fought for \$750,000. Those fishermen that went
13 to the Hill were very discouraged over the next couple, few
14 years because it was only used to target pelagic long line.
15 It wasn't used as intended for -- across all the HMS
16 fisheries involved.

17 We went back to the Hill, those same fishermen, had
18 that reduced to the \$350,000 that, that Vicky mentioned. We
19 will go back to the Hill if National Marine Fisheries Service
20 will come up with a fair and equitable package to get some
21 information on the table across all of these HMS fisheries.

22 Each of these fisheries interact with protective

1 resources. The recreational fisheries interact with sea
2 turtles. I've had head boats that have caught up to 14 in a
3 week, sea turtles. There's pilot whales from head boats.
4 This is all on the record. It's all testimonies in public
5 hearings. Now, it's not something that now needs to
6 continuously, over 11 years, be swept under the rug.

7 And yet one more year we hear, well, we had money
8 but internally we decided to crank up the microscope on the
9 ever diminishing pelagic long line fishery. Because, you
10 know, it's, it's a big smoke screen. It's a big smoke
11 screen. And you'll talk about the deficiencies, but you
12 won't do anything about it.

13 A PARTICIPANT: Just to follow up Steve Berkley's
14 comments, and I think I heard you suggest that our purpose
15 was to share the misery with the recreational industry, and I
16 think you're missing the point. Many of the highly migratory
17 species fisheries that we have in the U.S., the recreational
18 share of the U.S. harvest, as best we know, and it's believe
19 me a shot in the dark, if you ever saw the science from what
20 you're used to working for -- with, up in the North Pacific,
21 you'd just chuckle and walk away. It's a joke in comparison.

22 But what we do think is caught is often more than

1 in the recreation -- in the commercial sector. I mean, these
2 are not unsubstantial fisheries. We have many millions of
3 participants in that fishery catching fish every weekend, and
4 we really have very little idea of what's being taken, and
5 that affects the management decisions.

6 And often we perceive a situation develops where,
7 since we don't know what they catch and we really don't know
8 how to manage them, we don't. That's the -- that's the
9 solution: don't know how many they catch, don't -- wouldn't
10 even begin to know how to manage this fishery, so therefore
11 don't manage it. But we do know how to manage long lining
12 and we do know what they catch, so let's manage that fishery.

13 So no, we're not trying to share the misery. We --
14 you know, I'm a fishery manager in the ICCAT context, and I
15 have absolutely no idea, with limited exceptions of perhaps
16 in the billfish world, you have, I think, a much better idea
17 now, mostly because of the cooperation of the billfish
18 foundation -- we have very little idea what we're even
19 managing in the recreational side; most other the nations
20 don't even keep data.

21 One other point: this whole debate about observer
22 coverage, really, the missing piece here is, it depends on

1 what you're trying to measure. If -- I think it started --
2 you started to allude to that, Chris, or, or maybe it was
3 Clarence, but you're trying to measure a very rare event such
4 as a turtle interaction; obviously you need much higher
5 levels of observer coverage in order to bring your confidence
6 limits into a reasonable confidence interval. If you're
7 trying to measure something such as, you know, daily catch of
8 a directed species, you need a much lower level of coverage
9 to have a high -- so it really depends on how rare the event
10 is that you're trying to measure.

11 And I think the situation with respect to
12 recreational and commercial fisheries in directed species
13 could be very, very different in that regard, and then
14 certainly very different with respect to bycatch species, and
15 the rarer they get the higher level you're going to want to
16 have to increase your resolution on that event.

17 MR. SAMPSON: Mark Sampson, Ocean City Charter Boat
18 Captains' Association. Quickly, I think it's -- needs to be
19 pointed out that when we're talking about observer coverage
20 and all, comparing recreational to the long line industry,
21 you know, fair and equitable coverage for collecting the data
22 within two industries that are so different, fair and

1 equitable doesn't necessarily mean identical.

2 And I think it's kind of a silly argument to say
3 that by, you know, getting a 5 percent coverage on
4 recreational boats is going to be reasonable at all, or even
5 do-able. I mean, that's, obviously by the sheer number of
6 recreational boats -- I mean, unless you have a huge budget
7 all of a sudden for this observer coverage, I mean, come on,
8 why are we even wasting time on this discussion?

9 And certainly within the recreational fishery, as
10 we know -- you know, within any of the industries, nobody
11 agrees with the science, and within the recreational
12 industry, constantly the agency and other groups are looking
13 for new avenues for gathering all kinds of data, including
14 catch data, mortality data, etc.

15 To just go on and on about, we have to have fair
16 and equal coverage, fine, but again, fair and equal does not
17 necessarily mean it has to be identical. So, so let's --
18 again, this is -- kind of seems like a silly thing to be
19 belaboring at this early point in time in the, you know,
20 three day meeting here.

21 MR. ROGERS: All right, thank you, Mark. I don't
22 think we're talking about identical here. As, as we've

1 already discussed, it really depends, as Glen said, on the
2 nature of what you're trying to measure and the variability.

3 (End side A, tape 2.)

4 MR. ROGERS: -- and to measure in the variability,
5 whether it's a frequent occurrence or rare event, and there
6 are statistical methods that can be applied, to determine
7 what is a cost effective level of coverage for each component
8 of a fishery. Glen?

9 MR. DELANEY: I appreciate you clarifying that,
10 Chris, because I don't know if our colleague there was
11 listening, but I didn't hear anybody say that 5 percent was
12 the coverage level that had to be for the recreational
13 fishery, in terms of numbers of observers per vessel or
14 something like that. I didn't hear anybody say that, so I
15 appreciate your comment, but that's not where anybody's
16 coming from.

17 But I will stress to you that it may be wasting
18 your time, but the reality is that the U.S. has entered into
19 a legally binding obligation to provide 5 percent coverage of
20 the harvest of highly migratory species, in particular the
21 bigeye and the yellowfin tuna. Maybe that wastes your time,
22 but that's the reality that we have to face.

1 And that's your job, is to come up with a way to
2 ensure that 5 percent to the harvest in your sector is
3 observed. Whether it's through observers on vessels or shore
4 side or whatever it is that you come up, that's your legal
5 obligation, period.

6 MR. ROGERS: Joe McBride.

7 MR. McBRIDE: (Inaudible.)

8 MR. ROGERS: Could you get closer to the mike
9 there, Joe, or turn it on?

10 MR. McBRIDE: I thought he -- that Nelson had
11 originally said it was a 5 percent coverage, observer
12 coverage on the vessels, including the recreational boats,
13 but you're saying it's a total 5 percent of coverage of HMS
14 species, and it could be in the recreational area anyway,
15 without beating that to death.

16 But you have another little philosophical dilemma
17 here in this recreational, vis a vis -- never mind things
18 like the economics of one area and the common good and things
19 of that sort. You have a public resource which, in one group
20 of people -- everybody in this room is a recreational
21 fisherman or could be a recreational fisherman, where as in
22 the long line industry -- I'm not knocking it, because our

1 philosophy is that this common resource should be shared in
2 an equitable basis. And to dragger captain needs more than a
3 head boat, perhaps, in order to make a living. As long as
4 one group doesn't put the other group out of business, that's
5 what we're concerned with.

6 You have something like the long line industry, for
7 an analogy, as compared to the recreational industry, a
8 limited entry. You have a very small handful of American
9 citizens who can go into that industry. I'm not saying it's
10 not necessary nor am I against it, but they're concerned
11 about this disproportionate share of a public resource being
12 utilized at the detriment of a common good.

13 Now, whether it's true or not, I don't know; I'm
14 not a statistician. I couldn't tell you. I certainly
15 support the philosophy we're talking about here of finding
16 out the status of our fisheries, preserve them so everybody
17 can make a living, and one group not being selfish and
18 (inaudible) the other. I'm not accusing any group of that; I
19 don't know.

20 But the thing we're talking about here, and again
21 Nelson, you brought the issue up, I feel in my limited way
22 I'm trying to defend the industry and the recreational sector

1 of the user group.

2 So philosophy has as much to do with it as
3 statistics, and I really do think that that's another
4 consideration that the agency should keep in mind when it's
5 making decisions. Thank you.

6 MR. ROGERS: Right. Bob Hueter?

7 DR. HUETER: Yeah, Bob Hueter, Mote Marine Lab. If
8 I could be so bold as to change the subject a little bit, I
9 hope that laugh was one of welcoming that; a quick question
10 about the observer program on this shark drift gillnet
11 fishery that operates off of Florida. I see by this interim
12 final rule that was published on friday that NMFS proposes to
13 have 100 percent coverage of this fishery for four and a half
14 months, and then about 53 percent coverage of the fishery for
15 the other seven and a half months, based on some statistical
16 program.

17 My question is, I believe that this fishery
18 comprises about a half a dozen boats, and I'm wondering what
19 the cost is of this observer program for this fishery, and
20 how that compares with the net value of this fishery to the
21 American public.

22 MR. ROGERS: I don't have any figures in my head on

1 the value of their landings, but I know we have spent
2 variously from about 100,000 to 200,000 a year, in past
3 years, for the observer coverage for that fishery. Now, they
4 do target large coastal sharks in season, when the large
5 coastal shark fishery closes, they can target small coastals,
6 so it can be a continuing fishery throughout the year.

7 We can certainly look up those figures and compared
8 and contrast. There are other species than sharks that are
9 caught and landed on those trips, so you have to look into
10 the complete picture, but we can get back to you for those
11 comparison figures.

12 DR. HUETER: Maybe Rusty could help us with the
13 value; I couldn't find it in the safe report. But if I could
14 just propose that, if this fishery is worth less than half a
15 million dollars, and looking at some of the numbers that I
16 saw in the landing, that may be the case, or it might be off,
17 but if it is and we're putting out 100 to \$200,000 in
18 observer coverage, seems to me that there should be a
19 management practice somewhere that says that when you get
20 over 20 or 25 percent of the value of the fishery in terms of
21 the necessary observers to protect things like dolphins and
22 whales and tarpon and mania rays and so on, that it's time to

1 consider eliminating that gear type.

2 A PARTICIPANT: (Inaudible.) Yes, if you have the
3 safe report on bottom of chapter six, page three, drift
4 gillnet, 12 vessels in '99 took 216 trips; three or four
5 vessels accounted for the majority of these trips. And then
6 it describes that a little bit, and then it talks about the
7 fishermen exiting this fishery. It's unlikely it would be a
8 significant social impact on the social structure of fishing
9 communities, due to its small size; also that participants
10 could sell their shark permits to other interested fishermen
11 to mitigate the costs of exiting the fishery.

12 It needs to be known that these are multiple
13 fishery boats with their nets. And if you take 20, 30, 40
14 percent of their annual income away, it will impact them.
15 And most of the boats, of the dozen boats that I'm aware of,
16 between mackerel, small coastal shark, large coastal shark,
17 drift net, strike net, etc, seem to be able to do between
18 100K and up to probably a half a mill per boat or operation
19 companies.

20 You all have the figures, so you'll probably be
21 able to cipher it out. Do you have the figure on how much is
22 allocated for the drift gillnet observer, since you got 150 K

1 on the bottom long line? What is allocated on the drift?

2 MR. ROGERS: (Inaudible.) What has occurred in
3 past years is, we'll try to get money from various sources
4 and sometimes we can't meet our goal, but we'll do the best
5 we can. And some years we had spent 100K. I believe in this
6 current fiscal year we spent about 240 so far; that was to
7 meet that goal of 100 percent coverage during the white whale
8 camming season.

9 And that's a very expensive proposition because
10 when you have a 100 percent goal, you have to have people
11 employed, ready to go at any point in time. And if the
12 weather precludes the fishermen from going, then it's -- you
13 still have that expense of having somebody basically dock
14 side, ready to go.

15 So it is much less expensive, hence, that rule
16 change that we wouldn't need the 100 percent requirement when
17 a statistical analysis showed that 50 percent would do. So
18 outside of the white whale season, we will be reducing the
19 coverage, but again, it would be from 100 K to 200 K, even
20 with that reduction.

21 A PARTICIPANT: Well, just as a comment to people
22 that want to know, the directed shark permits, I think as of

1 the end of 2000 in this book, you have 287, but I thought I
2 saw a figure from March of 278 or something, for the total.
3 And some of the fellows that have sold theirs have gotten
4 between 5, 7 and \$10,000 per permit, and there's no
5 guarantees there will be even much of a quota.

6 If the '99 stuff goes into effect, we're talking
7 about a million and a half pounds from Maine to Texas for
8 every boat involved. That's incidental and direct, where as
9 currently we're working on two point eight million. We were
10 at five point six million, and that's just large coastal
11 sharks.

12 And the fact is that there's been a lot of cuts and
13 there's a lot of benefits for the rebuilding of the shark as
14 a result. But as the same time, the cuts have impacted all
15 these boats, and one of the scenarios of the settlement
16 agreement was that if it's a thumbs up for the science, then
17 we are back to Congress and everything else trying to find a
18 way to relieve ourselves of the boats, the impact of the
19 boats, from Maine to Texas again.

20 Where as when we're talking about this gillnet
21 fishery, the dozen boats that are on the East coast of
22 Florida, and then you go and compare that to the hundreds of

1 gillnet boats that are up in the mid-Atlantic and Northeast,
2 that are also part of the same rules that the protected
3 species is bringing on, I'm assuming that all the money for
4 the observer program has to be routed through you all and not
5 protected species. Protected species simply just makes the
6 rules whenever there is some changes on endangered status.

7 MR. ROGERS: Well, the funding for observer
8 programs can come from several sources, and we've tried to,
9 as I say, cobble this together to meet the needs of a
10 particular level of coverage in whatever situation we face.

11 All right, I think we're at about the limit of our
12 discussion. I can -- we survived to the first break point.
13 Just two orders of business before we break, and hopefully
14 you'll be back quickly so we can get on to our first
15 presentation.

16 You should have all received in your packets some
17 instructions for getting the reimbursements of your travel
18 expenses. There are a little bit of difference, in terms of
19 the procedures, from last year, so pay attention to them
20 please. It is electronic deposit; sometimes people sort of
21 lose track because you're not used to submitting the paper
22 work and getting the check. It does work pretty quickly when

1 you do it right and you get it in on time. Just give our
2 folks what they've asked for. If you have any questions, let
3 us know before you leave and we'll get that together for you.

4 Another item that has come up: I guess Gail and
5 Pat had a problem using the tax exempt form at the Holiday
6 Inn, so we'll have somebody investigate what exactly we need
7 and we'll try to get that for you tomorrow so you can bring
8 that back to the hotels. Okay, at the -- what is that, the
9 Talent Center Hotel? Mm-hmm?

10 A PARTICIPANT: (Inaudible.)

11 MR. ROGERS: Government credit card or something?

12 A PARTICIPANT: (Inaudible)

13 MR. ROGERS: All right, well, we'll figure out what
14 we can do there. Any other quick items of business before
15 the break? Nelson?

16 MR. BEIDEMAN: Yeah, I just wanted to clarify for
17 Joe McBride that I didn't come up with the 5 percent; the 5
18 percent is in the ICCAT recommendations. John Graves has a
19 copy if you'd like to read it.

20 A PARTICIPANT: (Inaudible.)

21 MR. ROGERS: Okay, well, let's take a quick break,
22 15 minutes, and then we'll get into our tournament monitoring

1 and recreational fishery monitoring presentation.

2 (Interruption to tape.)

3 MR. ROGERS: All right, our next presentation will
4 be by Buck Sutter. He's given everybody a copy of this
5 handout. This is the slides that he'll be presenting, so you
6 can just follow from the handout if you can't see well on the
7 wall there. Does everybody have a copy of the handout?
8 Looks like this. All right, Buck, take it away. Do you need
9 somebody to --

10 MR. SUTTER: Yeah, I'll find a way.

11 MR. ROGERS: All right. But if you want to speak
12 into the mike when you --

13 MR. SUTTER: Brad? Brad, here, can you dim those
14 lights?

15 Do we have any new AP members that have shown up
16 since we'd done the introductions? Just want to make --
17 Chris wanted me to make sure we had any new folks. Okay.

18 What I -- hopefully you're going to be doing mainly
19 listening here, so I just want to draw your attention to
20 chapter 10 of the safe report. We -- a lot of what's going
21 to be -- at least some of the beginning fodder for what we're
22 going to be talking about over the next couple of days is try

1 to summarize in some forecast sight, I guess. And so what
2 we're going to be talking about first here is this part on
3 chapter 10, pages one through three of four; I guess page
4 four.

5 And this is not -- unlike -- what I'm going to be
6 talking about tomorrow, which is bycatch, is basically sort
7 of an overview of everything we're doing; this is kind of a
8 focused discussion on, what do we anticipate going on during
9 2001, as far as activities relating to monitoring HMS
10 recreational fisheries that -- what's on the -- what do we
11 see on the plate.

12 But I also wanted to get some input from the
13 advisory panel; I think we've actually already started that
14 in our summary discussions about observers and charter head
15 boats and such like that. So I think we've already got a
16 good start on that; I hope we can continue it.

17 But I just want to point out that this is not a
18 comprehensive review of everything that we've done for
19 monitoring. For instance, bluefin tuna, we're not -- I'm not
20 going to really address that at all. Those programs are
21 already on line for the most part. We're going -- and so
22 we're look -- going to look at -- mainly looking at

1 swordfish, and then also the main thing is to talk about
2 billfish, so we're going to get into that right now.

3 But over all, some of the challenges in monitoring,
4 as we've sort of already talked about quite in some detail,
5 is that the landing for most of the HMS species are
6 relatively rare. Now, that means there could be some
7 argument as to whether all tuna -- the tunas may fit in that
8 or not.

9 By the way, can everybody hear me okay? Okay. I
10 have kind of a loud voice, so -- but if I start to mumble
11 off, just throw something at me and I'll get right back onto
12 it.

13 Anyway, and so this kind of offers a challenge for
14 some of the other typical programs that are designed more for
15 like croaker or trout or some of the other more common -- I
16 call them commonly caught species, especially from a
17 recreational stand point.

18 The other challenge for HMS is, and one I was
19 thinking about here, what I'm going to say is, thinking about
20 Atlantic blue marlin and white marlin, is the range of the
21 stock. Basically, the United States is responsible for
22 monitoring landings throughout the Atlantic, so that presents

1 its own unique problems when a lot of the surveys, like the
2 MERFS (phonetic) or LPS (phonetic) or whatever, are basically
3 just within the continental U.S. and also maybe is extended
4 down to Puerto Rico and Virgin Islands.

5 The other unique aspect of some of the, not all but
6 some, of the HMS species is the fact that they're -- also
7 have responsibilities under both Magnuson-Stevens and the
8 Atlantic Tunas Convention Act, which we talked about also
9 previously, as far as (inaudible) monitoring.

10 Like I said, right now we have a sort of compendium
11 of different monitoring techniques for all recreational
12 species, and I'm just talking about HMS here, but MERFS, and
13 I know that the folks in the SNT (phonetic) up here at
14 headquarters have given presentations here on some of the
15 sample design (inaudible) actually talk about some of the
16 charter head boat facets of that.

17 The large pelagic survey, which is mainly from
18 North Carolina north, for the most part has evolved out of a
19 bluefin tuna monitoring program. There's also the
20 recreational billfish survey that's operated by the Southeast
21 Science Center, since 1971, mainly has been focusing on
22 billfish tournaments, and also in cooperation with -- well,

1 the tournament itself and also fishing clubs throughout the
2 Gulf of Mexico and Atlantic and also in the Caribbean, as
3 well.

4 Now, as you know, as a result of the 1997 ICCAT
5 recommendation, which was the first one for billfish that
6 included 25 percent reduction in landing, one of the first
7 things that we did in addition to bumping up the minimum size
8 limit, was to institute a tournament registration. And that
9 now, as -- when the FMP came out in 1999, that finalized that
10 process. And that's been a -- and also extended it to
11 include just not only Atlantic billfish, but also sharks,
12 tuna and swordfish. Any tournament that involves any one of
13 those four umbrella species is going to be required to
14 register the tournament.

15 And so we've been developing and refining that
16 process. As a matter of fact, we're still working on that
17 very thing right now with the idea that during this year --
18 working on the programs right now so that by the beginning of
19 2002, we're going to have the option for people to register
20 their tournament, be it whatever, through a web page. And so
21 that's our goal, and actually we're already started working
22 on that already.

1 Then we interface with the Southeast Science Center
2 where they actually send folks to tournaments, and throughout
3 the continental U.S. Also there's -- Puerto Rico has a state
4 program, as well as other states here. I know I don't want
5 to be -- just talk about them, but I know they have
6 significantly increased their regulatory constraints, forcing
7 them to register tournaments and also to report landing from
8 all sources. So things are -- have been approved in that
9 regard, as well.

10 I'm sure most of you all are already familiar with
11 the bluefin tuna program. I just kind of put that as a
12 caveat, because I want to -- when we talk about billfish here
13 in a few minutes, I just wanted to site some of the different
14 programs that we have currently in place and have tried in
15 the past, but -- including landing tags, calling systems and
16 state involvement. These are some things you may want to
17 consider for expansion into the billfish and maybe swordfish
18 arenas in the upcoming year.

19 The things that are also coming on line for 2001 is
20 the charter head boat permit and log book. I may have missed
21 that; did we talk about that already?

22 A PARTICIPANT: Not yet; it will be tomorrow.

1 MR. SUTTER: Oh, tomorrow. Okay, it's tomorrow.
2 We're going to be talking about that in some detail. The
3 contract has already been written up for that as far as
4 implementing it, and it's going to be an expansion of what's
5 going on -- what we had already done for tuna. But looking
6 at the PRA clearance, as you know, that's the bureaucratic
7 hurdle we all have to go through before implementing all
8 these things, so it takes a while. I know as far as the 1999
9 HMS FMP and the billfish amendment, but it's take us this
10 long to get that far. So it is -- the money's actually been
11 allocated and the contract's been (inaudible) on that.

12 So also the expanding of registration efforts also
13 (inaudible).

14 So what are the current issues? Like I say, this
15 is what I really -- we really need to get some feedback on,
16 and we're in the -- right now we are in the midst of
17 preparing the proposed rule, but we still are open to
18 comment. That's why we kind of wanted to see what the
19 advisory panel was going to provide, some insights on how we
20 could accomplish our goal.

21 As you know, and 2000 was, as Chris already
22 discussed, one of the major accomplishments was the

1 developing of a two phase rebuilding plan for Atlantic blue
2 and white marlin. And at the July assessment, we're going to
3 -- we'll get into that a little bit later on, but basically
4 the result of that assessment was that the stocks have not
5 recovered. The 25 percent reduction, although it was
6 effective and landings have effectively been reduced since
7 1996; they were not sufficient enough to affect any
8 rebuilding.

9 So the SERS (phonetic) recommended and the ICCAT
10 committee, thanks to a lot of the efforts, the U.S.
11 delegation that was over there, developed a two phase
12 rebuilding plan that, the first step of which was to reduce
13 blue marlin landing by 50 percent for 1999 levels, and white
14 marlin by 67 percent -- or 68 percent; can't remember now,
15 67, 68 percent from 1999 levels, and also that all live fish
16 would be -- all live marlin, excuse me, would be released
17 from purse seine and long line vessels.

18 So that's a significant action that a lot of people
19 sitting around this table had a lot to do with. And I think
20 that it's because of the fact that the United States is a
21 small part of the mortality, both from the commercial and
22 recreational side, this is something that really has far

1 reaching effects throughout the range of the species. So I
2 think that that's a very good first step.

3 So what is the U.S.'s portion of that
4 recommendation, was to limit -- or 250 recreational landings
5 of Atlantic blue and white marlin accommodations for each
6 year, for the years 2001 and 2002. So -- but as part of
7 that, that's all recreational landings. So once again, it
8 comes back to this Atlantic-wide issue, which I'll get to in
9 a second.

10 The other issue I wanted to talk about in the safe
11 report is something that's going to be -- need to be
12 addressed this year, and we would like to get some advise
13 from the advisory panel, is on the growth of the swordfish
14 recreational fishery, especially -- well, along the East
15 coast, but in particular off the east coast of Florida.

16 So if I could digress or get into the first issue,
17 and that is the ICCAT recommendation. Yes?

18 A PARTICIPANT: (Inaudible.)

19 MR. SUTTER: I don't know. Chris, would it be
20 better to just kind of go through? How would you like to do
21 this?

22 MR. ROGERS: Yeah, I think if we go through the

1 presentation, then we can get the lights back on, make sure
2 everybody's awake for the discussion.

3 MR. SUTTER: Yeah, I'll try -- like I say, I'll try
4 to make this -- I want to make sure that the points are clear
5 so that we can kind of focus the discussion on these --
6 because I only have three slides; two more after this one and
7 then we'll be done, okay?

8 MR. ROGERS: What folks can do it make notes, if
9 you're afraid that you might forget your question, right on
10 the handout, okay?

11 MR. SUTTER: But thank you for -- I'll go charging
12 on and I start to get excited, so anyway, the first
13 recommendation issue that we'd like to get some discussion on
14 is potential management alternatives in addressing this 2000
15 ICCAT recommendation. Now these are just some kind of
16 scatter gun approach; it's kind of the wide spectrum. And
17 some of the different issues -- ways that we could handle
18 this particular issue.

19 One is the -- one potential way -- I'm just talking
20 about the 250 right now, and these are the things that we
21 talked about -- or thought about looking at was the
22 (inaudible); do we need an increase in size? Yes, or no, I

1 don't know. Do we need to prohibit tournament landings or
2 non-tournament landings? Should we just, say, develop some
3 sort of a landing tag program (inaudible) hey, here's 250
4 tags, you guys figure it out or should we go with the status
5 quo?

6 Another issue that need to be brought up was the
7 ICCAT recommendation, monitoring. We have what I think would
8 be arguably a pretty good monitoring for tournaments, but
9 beyond different state programs or territory programs,
10 there's some areas that non-tournament landings would not
11 necessarily be monitored.

12 So that's -- that 250 includes both tournament and
13 non-tournament; how do we do that? Some of the
14 considerations we've talked about or thought about and wanted
15 to see what the advisory panel thought about for improving
16 monitoring especially for non-tournament landings, was a tag
17 program similar to what was in use in bluefin tuna or also
18 (inaudible) in the state program like (inaudible) tag
19 Atlantic, tag (inaudible) Florida.

20 Perhaps maybe we don't need to be that intrusive;
21 maybe a toll free call system would be adequate. You know,
22 just -- or something like what the bluefin tuna system has

1 where the -- where you're going to have catch, recreational
2 (inaudible) fact or optical recognition system that reads a
3 tag that's -- or a card (inaudible).

4 Another way we can improve monitoring is to augment
5 existing state programs. I mean, that's a financial
6 commitment that would be involved there, but there are states
7 that are already monitoring recreational fisheries; you could
8 -- those program could be augmented to take on this HMS
9 monitor, for billfish in particular.

10 You can also enhance -- possibility (inaudible)
11 enough money to enhance the current survey system. Maybe
12 (inaudible) to be added to the (inaudible) or (inaudible) to
13 direct these types of problems of -- especially for marlin
14 that are very -- are (inaudible) species (inaudible) really
15 need a different survey to find (inaudible).

16 Another possibility would be a recreational fishing
17 boat. For the -- the last issue was recreational swordfish
18 fishery. Because this is mainly at night, this is an issue
19 that makes it especially difficult to monitor or it's
20 certainly a different challenge, anyway.

21 Another issue that makes this very important,
22 because that -- the recreational catch counts against the

1 incidental quota that we take out from our over all quota
2 every year. So there has to be some responsibility to say
3 hey, if we don't -- we've got to have some idea of how many
4 fish are being caught in that regard. How should -- then
5 that begs the question, how can or how should the landings be
6 restricted? Press bag limits? Some sort of prohibition?

7 We've got reports from down in Florida that --
8 recreational anglers are using bang sticks to kill the fish
9 when they come up; should that be allowed or not?

10 Then also, if you're just catching it for catch and
11 release, there's some post-release survival issues there.

12 These are the three main things that, especially
13 the marlin issue and the swordfish issue, but these are the
14 main issues that we see when we were trying to put together
15 this presentation, that we see that HMS for recreational
16 monitoring has some problems which are upcoming. Now, there
17 may be some other issues, some kind of open up the floor for
18 that, but I'd like to kind of focus our initial discussion,
19 anyway, on the marlin issue, then kind of evolve into the
20 swordfish, and then kind of open up the floor, if we could,
21 for other kind of issues to talk about.

22 So Brian, maybe you can get that, and let me sit

1 down here and we can open up the discussion. I see a lot of
2 hands. Okay. Maybe I'll work this way, but let me -- if you
3 all could keep your hands up for a second and Brad turn the
4 lights on, then let me write the names down and then I'm
5 going to go from this way and then we'll start.

6 Yes, ma'am? Yes, Sharon? Not every -- I mean, we
7 have a rapid tour, by the way, so if I'm -- I'm going -- if
8 I'm not taking all the notes, Pat is taking notes, so we are
9 -- and we are also recording this. We want -- we are going
10 to get careful comments.

11 MS. McKENNA: I wouldn't want you to miss a word.
12 I am here on behalf of Jim Donofrio of the recreational
13 fishing alliance, and he has asked me to make the following
14 points.

15 Number one: RFA strongly urges the 250 fish cap on
16 the recreational sector to be rejected.

17 Number two: Mr. Donofrio believes he was purposely
18 excluded from the Morocco ICCAT meeting because he would have
19 strenuously objected to such a restriction on the de minimis
20 recreational fishery.

21 Number three: Mr. Donofrio is concerned that the
22 U.S. recreational fishery, which could and should be

1 considered de minimis at best because of the 98 percent
2 release rate, is being disadvantaged by this cap.

3 Number four: RFA believes that the U.S. government
4 is not being fair and equitable to this sector, as is
5 required by law under the Magnuson-Stevens act and the
6 Atlantic Tunas Convention Act.

7 Number five: Mr. Donofrio urges that if there is
8 any restriction to the U.S. fishing community, it should be
9 directed to the U.S. pelagic drift long line fleet and its
10 inability to avoid these fish. Mortality caused by this
11 (inaudible) non-selected gear, not landings, should be
12 counted, and all alternatives should be explored to reduce
13 mortality, not landings, of white and blue marlin by this
14 non-selected gear. Barring that, the blue and white marlin
15 recreational fishery should be considered de minimis and be
16 removed from the ICCAT negotiations, like every other
17 contracting party to ICCAT.

18 Sixth and finally, Mr. Donofrio stresses that RFA
19 is 100 percent against, and this is a quote, this addle-
20 brained scheme, and urges the adoption of option number five,
21 status quo. Thank you. Next.

22 MR. SUTTER: Thank you. (Inaudible.)

1 MR. ROGERS: If folks have any written comments you
2 want to submit, that would help us out, because sometimes the
3 verbatim transcripts aren't quite as clear as they could be.

4 MR. SUTTER: Okay, I see Mau is next, but if I --
5 can I see also -- raise your hands. Okay, in the back.
6 Okay, Mau, I think you were next and then Nelson next.

7 DR. CLAVERIE: I was going to comment on what you
8 said. I'm not going to comment on what else was said. We've
9 got a good system in the Gulf, but I don't know where it is
10 in your papers. What do you call that system? I've tried to
11 figure out, in the safe report and in that thing you just put
12 up, where do you name the system that we use, have been
13 using, in the Gulf to count recreational (inaudible)?

14 MR. SUTTER: And most of that's the recreational
15 billfish -- that's RBS, the recreational billfish survey.

16 DR. CLAVERIE: Okay, that's only in the Gulf?

17 MR. SUTTER: No, that's through -- but I mean,
18 that's the main avenue, from what I understand, of how
19 billfish are monitored in the Gulf of Mexico, but it's also -
20 -

21 DR. CLAVERIE: Okay.

22 MR. SUTTER: -- that program also extends to the

1 East coast and the Caribbean, as well.

2 DR. CLAVERIE: My problem is, I don't know the name
3 of what it is we've been using for years, because you all
4 don't describe it in a fashion that looks familiar.

5 Of the -- first off, as described in the safe
6 report, somewhere in here, we have had on the recreational
7 fishery in the United States, a limited number of fish or
8 pounds that we can catch. We have been monitoring that by
9 minimum size -- or enforcing that or having it end up at the
10 right number, by minimum size.

11 The problem with minimum size when you have a
12 poundage restriction on you is, it's a catch-22. And to get
13 around that catch-22, I thought, was why we switched to a
14 head count of fish rather than a poundage, because you can
15 increase the minimum size, if it needs to be increased. I
16 don't say increase; I say whatever the science says it ought
17 to be so statistically we catch, in the aggregate, 250 fish.

18 That may be reducing, it may be increasing, I don't know,
19 but whatever it is, if we stick with the minimum size
20 program, we don't get in a catch-22, so that is a real
21 improvement.

22 As for counting, you've got the system -- I think

1 it's the system that we use in the Gulf, as the most
2 expensive. Is that right? Have I tagged that right?

3 MR. SUTTER: That's right.

4 DR. CLAVERIE: Okay, in your list of (inaudible) --

5 MR. SUTTER: Right, but I mean, still I think the -
6 - what we're talking about is developing a little more
7 formalized -- it -- and the Gulf is unique in the fact that
8 they have a long term person that's been connected with a lot
9 of the tournaments and other events and I think that it would
10 just -- if anything, it would just want to kind of formalize
11 that type of relationship.

12 But Mau, you did remind me of a very important
13 point, because I know that one of the issues that you're
14 going around and around with, and I fail to neglect -- point
15 this out; I'm going to apologize for that. But in August,
16 sixth of last year, we did put out an advanced notice
17 proposed rule making, and that revolved around -- among many
18 other issues, one of them was complying with the -- did we
19 comply or not with this 25 percent reduction. And you're
20 right, that was a weight issue and I think that that's why
21 the number was incorporated into the ICCAT recommendation.

22 But just for everyone's edification, because I

1 wanted to bring this up and I forgot, in 1999 the
2 recreational billfish survey reported a total number of
3 billfish landed, blue and white marlin, 213 fish; and in
4 2000, which was really the first full year of the size limits
5 that were established in the HMS -- or excuse me, the
6 billfish amendment, was 116 fish total.

7 DR. CLAVERIE: So the 250 fish is actually a little
8 more than the year before, right?

9 MR. SUTTER: 250 would be at -- well, from the
10 recreational fishery, like I said, which the vast majority is
11 tournament stuff, it's -- there have -- even -- it has not
12 been over 250 since before 1996.

13 DR. CLAVERIE: Okay, well, my point is, if you get
14 into any management regulatory scheme, other than the minimum
15 size, you're taking a large leap in a direction you don't
16 really know. The problem is going to be satisfying whoever
17 you have to satisfy. How many did we count, did we actually
18 land? And if you can't do that statistically, which is what
19 you could easily do with the minimum size, then you're going
20 to have to implement something.

21 But the problem is, the most -- the best of all is
22 what you tag as most expensive. And -- but from my point of

1 view, that system is also an expense that's borne by the
2 participants. For instance, our club has the guy on the
3 dock, whether NMFS gives him any money or not. NMFS has run
4 out of money for these port samplers; TBF (phonetic) has
5 coughed up some money for NMFS to do that. The individuals
6 involved, the clubs, have coughed up money to do that, and it
7 works well.

8 One of the things with this system is that there's
9 a lot more information available that's generated that's easy
10 to get that NMFS refuses to take. For instance, years ago we
11 said, well, if you want us to report to you the tuna we're
12 catching as well as the marlins, that's no problem for us.
13 And NMFS says no, we cannot afford to handle that
14 information, do not tell us how many tuna you caught.

15 I look in the table here on page 422, and we're
16 talking about bluefin tuna in the Gulf of Mexico, '96 through
17 '99, and I don't know if it's got them all. But that
18 information is definitely available through this system, if
19 need be. Yellowfin tuna, if you want that, would be the same
20 thing.

21 So you have a system in place that works well and
22 it may not be as expensive as you have anticipated, because

1 the expense, a good part of the expense, is done by the
2 participants.

3 The system does require feedback, and any system
4 you implement on a fishery works much better if you give
5 feedback. The feedback for this system, historically, has
6 been an annual report showing a compilation of the
7 information that was gathered, so that the people who are
8 participating in the program know that what they're giving is
9 being used; it's not just going down in some deep hole. And
10 that makes a big difference in participation rates,
11 appreciation of the fact that the data is important enough to
12 be used, and that sort of thing.

13 That has not happened in the last few years, so
14 there has been no feedback to the people who are
15 participating, so it's probably seeming like a system that's
16 evaporating. Maybe it is evaporating, if that's -- that's a
17 good way to make it evaporate: don't spend the money on that
18 annual report, which is a brochure that shows the hot spots
19 in the Gulf where the blue marlin get caught the most and
20 that kind of thing.

21 MR. SUTTER: Yeah, that's been (inaudible) compared
22 by the folks out in the science center, right.

1 DR. CLAVERIE: There's another problem, and this is
2 with all NMFS statistical data systems, and recreational,
3 commercial or whatever other kind they are, and that is that
4 if I talk to anybody who's involved in academic type
5 statistical studies or anything, they all agree that there is
6 a way that you can statistically account for failure to
7 participate.

8 And my only run in with statistics was when I was
9 in college. We did something about figuring out how many hot
10 dogs and cans of beer the neighborhood had in its
11 refrigerators, and we spent a lot of time on, if you knock on
12 a door and it doesn't respond, how you pick the next random
13 door. And apparently, the National Marine Fisheries Service
14 does not do that.

15 We spent -- we, I mean, the government spent, I
16 think it was two million in the Gulf, to determine what -- to
17 put observers on a shrimp fleet in the Gulf of Mexico to
18 determine what these new bird devices, bird -- bycatch
19 reduction devices, fin fish excluder devices, what they call
20 birds, what actually -- the actual performance was on these
21 boats.

22 And NMFS did that, and first off, they couldn't get

1 any boats to take out observers, even though it was a
2 mandatory system. Then they switched to a system that was
3 voluntary. They finally ended up with a system where they
4 paid each vessel to carry an observer.

5 And when it was all over, they told us that they
6 really weren't comfortable with the data or the results,
7 because it had not been a random selection. It just turns
8 out that most of the people who volunteered were using birds
9 that were installed by a particular net manufacturer and that
10 biased the outcome.

11 Well, the point is that they did not in any way,
12 shape or form, make accommodation for refusal, how to pick
13 the next one so it remains random. And unless NMFS can come
14 up with that, any statistical system that they use that
15 gathers information from the participants is going to be
16 faulty. And you just have to -- whatever you're going to do,
17 work with Seagrant (phonetic) or work with some big
18 statistical academic institution or something, to come up
19 with the right way to do that.

20 And once you've done that, you then -- for
21 instance, if you want to put observers on 200 recreational
22 fishing boats, you know, one trip each or two trips each or

1 whatever you want, you're going to get a lot of resistance
2 from a lot of people, but you're going to have some people
3 who would be willing to carry them.

4 So if you build in -- if we ask this boat and they
5 say no, I'm sorry, we're going out on a business trip and I
6 don't want anybody listening in on what we're saying, how you
7 pick the next boat so it remains statistically valid, that is
8 what you've got to do, because can -- if you just say, in the
9 normal NMFS fashion, we want to put observers on the
10 recreational fleet, you're going to get absolute rejection of
11 that, because they know that some observer's going to be
12 rammed down the throat of some boats that don't want to carry
13 them for particular reasons.

14 So that may make it more expensive, I really don't
15 know, but you've got to come up with that kind of methodology
16 in dealing with this.

17 We know that you do accommodate vessels that can't
18 carry people. Statistically whether or not that's correct, I
19 don't know. I mean, Nelson says if the vessel's less than
20 what, 40 feet, it doesn't get an observer. Well, is that --
21 60 feet, whatever, is that statistically correct? Have you
22 corrected for that? Do you know how to do it? Can you

1 possibly do it? And so forth. So that is the real stumbling
2 block in all these statistical programs.

3 Now, how do you cover the fleet, so to speak,
4 tournaments or non-tournaments? Apparently, the NMFS survey
5 of landings has been concentrating on tournaments because
6 they've been getting the information from tournaments
7 directly. There is a lot of fishing that goes on that's not
8 tournaments.

9 And I know that in the Gulf, because our port
10 samplers, as you call them, but whoever the people are, are
11 there all the time when the fleet is fishing, whether it's a
12 tournament weekend or a non-tournament weekend or whether
13 it's during the week or something like that. They really
14 count all of the marlin for the whole season, not just
15 tournament landing.

16 Now, if NMFS is going to change that and only take
17 tournament landings, they're missing the boat; they're not
18 getting it all. All they have to do is tell people, we want
19 it the whole time, not just during tournaments. And that
20 does come with an extra expense, because the port samplers
21 have to be active all week instead of just every other
22 weekend for tournaments or whatever it is.

1 So you've got all those things in mind. If you
2 think that under any kind of government scheme that you can
3 put 250 identification tags, landing tags, in the right boat
4 or the right dock, that's going to be landing those 250 fish
5 in a fishery of this type, it just isn't going to work. So
6 you're going to have people cut out of the fishery who should
7 be able to land, just because the tags weren't done
8 correctly.

9 So it looks to me like the only viable program
10 that's tried and proven or that logically would work is to
11 institute the, what you call the dock side landing program.
12 But I don't -- I forget what you call it, but that one does
13 work, it has worked, and it can not only get landings but it
14 can also get effort, which it has been doing in the Gulf. So
15 it's actually -- we have catch (inaudible) effort data, but
16 you definitely have to catch that.

17 Now, if you get into catfish and all, it doesn't
18 work, but when somebody lands a marlin, it's a notable event
19 because of its rarity and because people are out there and
20 it's a big, big event in their lives, as well as
21 statistically, it's rare. So that is ideally suited for this
22 kind of fishery.

1 Incorporating things like bluefin tuna, because
2 that is a big deal, if you catch one; there only have been
3 one or two a year caught in the Gulf by the recreational
4 fishery that I know of. That is easy to count, because of
5 its rarity and the fact that everybody knows about it.

6 When you get down to yellowfin tuna and blackfin
7 tuna, it's, you know, too many fish, too many fish. To keep
8 count of those, you really have to do it statistically, and
9 now you're into the situation where you've got to have this -
10 - pick the next person when this person can't report
11 statistically sound. That's all I can remember (inaudible).

12 MR. SUTTER: All right, thank you. Nelson?

13 DR. CLAVERIE: Oh, one other thing.

14 MR. SUTTER: Oh.

15 DR. CLAVERIE: The Gulf of Mexico Council has taken
16 the position, please don't mess around with our system that's
17 been going on for so many years, because that -- if you
18 change it in any way, shape, or form, or override it with
19 another system in any way, shape, or form, you will change
20 the data -- what do you call it? You know, it's the same --
21 it's consistent throughout. Huh?

22 A PARTICIPANT: (Inaudible.)

1 DR. CLAVERIE: The base line, yeah, change -- you
2 change the base line. And please get that report coming out
3 again so the base line doesn't change because of inattention.

4 MR. SUTTER: Nelson, thank you.

5 MR. BEIDEMAN: Nelson Beideman, Blue Water. I've
6 got a couple, I feel, real serious questions concerning the
7 LPS and the MERFS and the -- what is it, RPA?

8 MR. SUTTER: I don't know what it is. The Gulf
9 system?

10 MR. BEIDEMAN: Yeah, the Gulf system. But you
11 know, first, I can't let it go by, Jim Donofrio's remarks.

12 I've dedicated over a decade to trying to improve
13 ICCAT's conservation. This particular year was the most
14 difficult year that I think we've ever seen at ICCAT. We
15 went over there and right off the bat, we got the news that
16 we had been undermined from up above on the bluefin tuna, and
17 we were all pretty disappointed in that. We had to roll up
18 our sleeves and try to get out of that commission the very
19 best for conservation we could. We all worked together:
20 billfish people; the environmental people; even people
21 outside the delegation; Russell; National Marine Fisheries
22 Service. We worked our butts off to get a substantial start

1 for billfish, and we did that.

2 And the U.S. recreational fisheries did not get
3 pushed back. We went in there with the numbers that we came
4 out with. The mistakes that were made, and the reason that
5 we have 250 marlin, is because years ago, panels such as this
6 and our constituents themselves and our government decided to
7 go way out in front of the international forum on
8 conservation, and the sport fishing industry has done an
9 absolutely tremendous job with catch and release.

10 And the numbers that we went in with, we came out
11 with, and we're the only country that had that status;
12 everybody else took reductions. So that said, I'd like to
13 congratulate everybody on the U.S. delegation for an
14 unbelievable miracle that they pulled off.

15 Now, on more serious matters, in ICCAT, we're at
16 the point now that almost everything has a number associated
17 with it. If it isn't hard quota number, and country specific
18 quota, then it's a cap. Everything has a number that comes
19 down to the U.S. This is your number. The only -- yellowfin
20 has a cap, billfish, white marlin, blue marlin, albacore,
21 swordfish, bluefin, bigeye tuna, and domestically, sharks
22 have numbers. The only thing I know of is, like, sailfish

1 and little tunas, you know, that don't have numbers yet.

2 Well, my question to Mr. Potsky and to Chris and
3 anyone in the agency that's knowledgeable on this is, do we
4 have the systems for the United States, to ensure that we
5 remain in compliance with ICCAT and all these numbers, all
6 these different species? Can the MERFS LPS survey -- you
7 know, the MERFS and then the LPS and the Gulf system, is that
8 real time information that is precise enough to be used for
9 tracking, you know, numbers of fish on an international
10 treaty?

11 I would really like to know that, because I think
12 that's where we got to start from, when we start talking
13 about recreational monitoring, because that's the reality.
14 ICCAT sets total allowable catch limits, and that comes down
15 to country specific quotas or caps or targets, what have you.

16 They're treaty numbers. And the penalty for going
17 over these numbers, ultimately is reductions on following
18 years and possible trade sanctions, unless you're the EU.
19 (Inaudible.)

20 I think it's a really serious question that needs
21 to be dealt with, up front, before we get into the specifics,
22 because if these systems aren't capable of tracking these

1 international, you know, numbers, whether they be hard caps
2 or -- you know, we're in trouble.

3 MR. ROGERS: Well, in answer to your question, we
4 think not, at least at this point, and we're entertaining
5 some discussions and we wanted the feedback here from this
6 panel, both the billfish and the HMS panel, as to what can
7 and should be done and what's the most cost effective next
8 step.

9 We have monitored, traditionally, the billfish
10 landings through the recreational billfish survey, which
11 captures tournaments to a great extent, but effectively
12 excludes, by definition, since this is a tournament sampling
13 program, those billfish or marlins, sailfish, that are landed
14 outside the tournament context. And we need to do something
15 to prove that.

16 Certainly, it is an event that can be picked up,
17 via either the Marine Rec survey, the MERFS, or the
18 (inaudible) survey. The question is whether or not, as you
19 said, that's real time and whether or not it's subject to so
20 much uncertainty that we can't extrapolate an estimate that's
21 got any reasonable confidence limit. So that's why we wanted
22 to open up for discussion, what is the next step we should

1 take, in terms of cost efficiency and effectiveness.

2 We tried it with bluefin tuna with a call in
3 program. We tried it with bluefin tuna with landing tags,
4 programs for both Maryland and North Carolina.

5 A PARTICIPANT: Yeah, Chris, what is the compliance
6 percentage on that, on the call in program?

7 MR. ROGERS: The last time I looked at it directly
8 was the second year of the program, and it was -- I haven't
9 had a chance to follow up since then, but the first year was
10 pretty low, but that was because we implemented it mid year
11 and just had to do some public outreach.

12 The second year was probably between 20 and 50
13 percent of what was known to have been landed, because we had
14 them recorded in dock side intercepts. And again, that may
15 have been an outreach problem, because some folks may have
16 interpreted the fact that they had undergone a dock side
17 intercept and felt that that covered their reporting
18 requirement. Since then we put out more messages that you
19 still call it in, regardless of whether you've done a dock
20 side intercept.

21 But I haven't looked at it recently; that's -- it's
22 been handled by some folks in our (inaudible) lab. And we

1 can get that information for you.

2 I have been working with Tony to try to do a sort
3 of evaluation paper on that call in system.

4 A PARTICIPANT: Is there any level of confidence
5 that such a call in system could be used for monitoring?

6 MR. ROGERS: Well, in discussions with Spencer Gare
7 (phonetic), who's the lab director down there, is that it's
8 incumbent upon the agency to do the outreach and to make sure
9 that people understand what is required. We've tried that,
10 and again, we'll do an evaluation paper on whether or not
11 it's effective.

12 Certainly certain parties in North Carolina and
13 Maryland have concluded that a landing tag and card system is
14 a better way to go. And we are going to also do an
15 evaluation of those programs. We are going to fund them
16 again for one year, so we'll continue with the -- have
17 continued with the North Carolina landing tag program and
18 we'll continue with the Maryland one this summer, and
19 basically take a step back and hopefully in our safe report
20 for next year, we'll have an evaluation of all those
21 programs.

22 It does leave the question open as to what are we

1 going to do about billfish in the near terms, and certainly
2 any of these items are open for discussion as to whether we
3 think landing tags programs are absolutely a necessity or
4 whether or not we can do something to improve dock side
5 intercepts to capture these fish; whether or not a call in
6 program.

7 We can certainly adapt the bluefin call in program
8 for the billfish or the marlin situation, ostensibly, since
9 it is, as Mau put it, more of a rare event that's a real
10 prize, a feather in someone's cap to land one of these fish.

11 There might be more of a propensity to want to call it in or
12 something, but that would remain to be seen as to how
13 effective a call in program would work.

14 We've got to try something. I think we recognize
15 that there are two areas -- as Buck mentioned in his
16 presentation, there are two areas that are of concern to us.

17 Outside the tournament context, we have private recreational
18 trips landing marlin. To some extent, it's, as I said,
19 picked up in the MERFS or the LPS on a sporadic basis and
20 it's hard to make those extrapolations.

21 But it's also a concern that, as most ICCAT
22 recommendations are, they would apply to United States

1 fishing vessels, regardless of where they fish. So any
2 landings made from U.S. vessels overseas, whether it's a
3 Bahamas tournament or a Costa Rica tournament; that would
4 also require some monitoring, and although I'd probably
5 volunteer for the job to be the dock side monitor in the
6 Bahamas or Cost Rica, I don't have time, so we're going to
7 have to figure out some other way to do that.

8 (End side A, tape 3.)

9 MR. ROGERS: -- do that.

10 A PARTICIPANT: Chris? This might go to Mariam, as
11 well. Are we out of compliance until we get the increased
12 monitoring systems up and running, because of the past
13 recommendations that we've had on increasing monitoring, or
14 you know, what does that all mean? Maybe Glen?

15 MR. ROGERS: Well, the compliance question would be
16 raised at ICCAT; as any other country, we explained what we
17 had -- what steps we had taken to implement the
18 recommendation and, you know, what result we had achieved.
19 Clearly, our goal is to stand by the recommendation of 250
20 marlin, and we'll do our best to implement whatever
21 monitoring programs we can.

22 If it turned out that we caught 300 at the end of

1 the year, we'd have to explain what happened at ICCAT,
2 whether or not other countries would find that to be a cause
3 of great alarm that we went to 300 instead of 250 really
4 depends on some of the politics of the whole compliance
5 monitoring group there at ICCAT.

6 A PARTICIPANT: (Inaudible.)

7 MR. DEVNEU: Is this still on? I guess it is.

8 MR. ROGERS: Yeah.

9 MR. DEVNEU: Jack Devneu. A couple of things,
10 Buck. One thing that I have a concern over is, very often
11 it's been my experience that the basic assumptions that our
12 people proceed from are very critical to the ultimate outcome
13 of the discussion and recommendations or any courses of
14 action.

15 And there's a fundamental assumption right off the
16 bat here, the first one that I want to take a very serious
17 issue with and, and I think it should be disregarded, quite
18 frankly, and that is that the landings are rare events. I
19 just don't believe that. I don't think they're rare events
20 at all. I think they're pretty wide spread, and it's -- you
21 know, when you say it stated like a fact, landings are rare
22 events, it implies that there's some level of scientific back

1 up to back it up, and we all know there isn't any science.
2 So to have that in there I think sets a tone that is
3 inappropriate and in all likelihood false.

4 You know, just from what I've seen on the docks,
5 especially when you look at the broad range of highly
6 migratory species, you know, you might have, you know, some
7 relatively rare landings of, you know, the marlins. But
8 certainly with all the tunas, I would -- it wouldn't surprise
9 me at all that after some good scientific observation and
10 measurement and data collection, that you didn't find that
11 actually they were considerably higher than potentially even
12 the commercial catches.

13 This is certainly a -- and to have a member of this
14 panel from New Jersey talk about it being de minimis is
15 outrageous and certainly disingenuous. It's -- there are a
16 lot of landings in New Jersey of highly migratory species.
17 I've seen them on the docks.

18 The other question I had -- and they're just
19 general comments and I may come back with some more specific
20 things with respect to monitoring in general. I agree, I
21 think Mau mentioned it and a couple other people: I think we
22 can't rely just on tournaments. One of the reasons is that

1 they are very highly visible and controlled events.

2 You know, Marlin is being landed. It's being
3 served in restaurants; I've had it in restaurants before, and
4 there's one in Roanoke, Virginia, you got a couple of
5 different ways to get your marlin there. And, you know, it
6 may be being imported in or caught by recreational fishermen.

7 I know where it's not coming from: it's not coming from the
8 long line industry, that much is certain. And we may want
9 to, you know, investigate the appropriateness of, you know,
10 some kind of a sale or import ban as well on it, if it's in
11 as bad a shape as everyone says.

12 Also, with respect to, you know, port agents and
13 voluntary information that comes in, I think it certainly can
14 be useful, but not at the exclusion of any observer coverage.

15 I think observer coverage is critical for evaluating release
16 mortality, turtle interactions, size distribution of what's
17 being tagged and released. I'm sure there's a lot of good
18 science that can come of observer trips on recreational
19 boats, besides the fact, it's now the law of the land.

20 In terms of money, there should be a lot of money
21 available, actually, from -- just from the reduction in the
22 observer program for the long line fleet, because if we're

1 working off a percentage of boats and trips, well, we've got
2 to -- you know, we've got to, you know -- a year ago, we have
3 a universe of so many boats and so many trips, and we now
4 have a gradually reduced universe of boats and trips to take
5 that same percentage from. We just succeeded in closing an
6 enormous area and driving a lot of people out of business,
7 and there's a lot of boats tied up. There's a lot of boats
8 out of the water, and they will not be going back in as long
9 liners, so they don't need any observer coverage.

10 So the percentage of those -- you know, if you're -
11 - before you were taking 5 percent or whatever for, you know,
12 100 or 200 boats or something, now you're only taking it from
13 100, so there should be money existing and observers looking
14 for work. Certainly fishermen looking for work. Thank you.

15 MR. SUTTER: Okay, Jack, thank you. I'm sorry,
16 Ellen, were you -- and Irby had their hand up first, and all
17 those hands that are first -- and I want to make sure I get
18 everybody. Okay, Irby and then Ellen. And I know that some
19 other folks have raised their hands, too; don't -- please --
20 we're going to (inaudible).

21 MR. BASCO: Okay, Irby Basco from Texas. Most of
22 my questions were answered, but maybe you can bring me up to

1 speed a little bit, Buck, on the issues of 2000 ICCAT marlin
2 recommendations. The increase in minimum size, have they
3 come up with any kind of potential size we're talking about
4 on that?

5 MR. SUTTER: No, no particular size, just -- I
6 think that in the ANPR it was suggested 102 and 105 inches,
7 but I don't think that you know, they were just -- those were
8 just some potentials for a way of controlling the number of
9 landings. So --

10 MR. BASCO: Okay, so about 102 to 105. All right,
11 then what's the talk about prohibiting the tournament, and
12 also non-tournament landings, and then they're talking about
13 allocating 250 landing tags, kind of contradicts itself.

14 MR. SUTTER: No, those are just food for thought.
15 The first two that you mentioned were actually discussed as
16 alternatives that were rejected in the amendment one of the
17 FMP. And so in trying to dredge that up again, as far as,
18 you know, these are things that we considered in the past,
19 the 250 tag thing would be one option. Another option would
20 just be to say that, you know, we're going to put out landing
21 tags; you know, how many -- that they need, you know, 10,000,
22 then what -- you know, the first 250, that's it.

1 I mean, there's ups and downs for both of those.
2 Those are just some suggestions, and nothing has been -- you
3 know, those are just some shopping list things for
4 discussional purposes only. Ellen?

5 MS. PEEL: Ellen Peel, Billfish Foundation. A
6 couple of basic points I think we need to keep in mind.
7 First of all, Atlantic marlin, both species, are severely
8 over-fished. In fact, white marlin is the most severely
9 over-fished of the large pelagic species in the Atlantic
10 Ocean.

11 Recovery of either of these species is dependent
12 upon the actions of other countries. It's true the U.S.
13 commercial and recreational mortality levels on these species
14 are low; however, until we demonstrate, as we have been
15 doing, the conservation leadership and management leadership
16 before the other countries of ICCAT, we are not going to get
17 any effective recovery.

18 The U.S. is a member of ICCAT. The U.S. went to
19 ICCAT this year, negotiated quite successfully with the most
20 succinct working team I've ever seen. There has never been -
21 - even the skeptics that were on the team commented they have
22 never seen such a team effort across industry lines to work

1 for the good of the fish.

2 We did negotiate and we did secure a
3 recommendation. Like it or not, that recommendation is
4 legally binding on the United States. We cannot stick our
5 heads in the sand just because we may not like it.

6 It's what's needed for the fish. It's the first
7 step that's needed for the fish, and there's going to be a
8 lot other measures that are also going to be needed.

9 The recommendation had two major points. First,
10 called for a 10 percent scientific observer coverage at
11 billfish tournaments. It's good to say that the U.S. is
12 already in compliance of that, and as Mau has pointed out,
13 the data collection in the Gulf of Mexico probably exceeds
14 that in the recreational fishery for billfish over any other
15 area in the United States. We certainly need to do what we
16 can to try to either duplicate, replicate that system up the
17 East coast and throughout the Caribbean. Now, whether that
18 can be through tightening up our current surveys, we need to
19 explore that.

20 Working through state programs -- I don't know
21 enough about Wallop Grove (phonetic) funds, but I would like
22 to raise the issue with those that do know. The states make

1 the decisions on the expenditure of those funds; they have
2 pretty much been able to expend them on the near shore, in
3 shore species, particularly in states like Florida, North
4 Carolina, where billfishing and large pelagic fishing in the
5 recreational community is very important.

6 And I think, perhaps, it's time for us to go to the
7 states, as well, and see if some of the wallop grove funds
8 cannot be spent on improving the information on billfish.
9 Now, whether that's through helping fund the phone in system,
10 whether it's surveys, I don't know, but I think we need to
11 explore all of that.

12 Tournament registration -- Buck are you still here?
13 On tournament registration for catch -- not only
14 registration but reporting also catch and effort data, what
15 was the percent of compliance there?

16 MR. SUTTER: Well, I do know that there was -- last
17 year the -- well, the -- let me just give you a little --
18 couple of numbers I can remember. As far as the impact of
19 the registration, we went from 120 something tournaments to
20 160 something tournaments between 1998 to '99, or maybe it
21 has '99 to 2000. So we got a big bump up in compliance in
22 both reporting and registration. So the registration had a

1 significant impact, if you want -- in any way you want to
2 measure significance.

3 Now, it could be that there are just that many more
4 new tournaments, but I think from what -- from talking to the
5 folks in the science center, that they did indicate that
6 having the third, that was the second year, full year, of the
7 registration, really helped get the word out; people know
8 about it. And there were some tournaments that didn't know
9 they were supposed to register, because I talked to several
10 on the phone, so I would say the compliance was very high.

11 MS. PEEL: Well, we're fortunate in this particular
12 fishing community, billfish community, that over the years
13 since the '70s, we collectively have demonstrated high
14 appreciation and compliance rate for conservation, if you
15 look at the percent of catch and release now versus what was
16 landed in the '70s. I think we need to do -- meaning, the
17 management system has to continue asking for the tournament
18 registration, doing what you can to facilitate and make that
19 easy, but to get the catch and effort data, we do have to
20 improve monitoring, just as we agreed to in ICCAT.

21 The second point that was included in the ICCAT
22 recommendation, certainly is the most difficult to

1 administer. However, it is part -- I mean, it is the key
2 point to this recommendation, and that is the 250 fish limit.

3 Now, the U.S. put that number on the table. It reflects
4 that catches of the angling community that were reported, and
5 it was high enough so that it was not to be -- and never
6 thought to be a punitive measure. The anglers have been very
7 good in giving information, and we feel that that is a solid
8 number. If it's not, then we need to deal with that.

9 However, we need to decide whether to go forth with
10 body tags, landing tags, or whether we can do other means in
11 the interim. And if those don't work, then go to body tags.

12 I think many of you here served on the billfish AP for the
13 last two years, and correct me if I'm wrong, but the AP, with
14 the exception of one, which I think was Mau, agreed or
15 embraced the idea of the landing tags. However, Rebecca Lent
16 said that at that point in time, the agency did not have the
17 staff nor the money nor the means to implement and to
18 administer such a program.

19 We would like to see, and suggest that, first,
20 let's look at all of these options. We can't throw any of
21 them out. See if we can improve the surveys. See if we can
22 improve the registration, whether we have a phone in system

1 for landings, whether we have more intercepts.

2 But keep in mind, if we go over these numbers, then
3 next year, we're going to have to pay the piper. And so if
4 we exceed, if we can't convince anglers to think longer and
5 harder before landing a billfish, next year the figure may be
6 down to 200, because we exceeded it by 50 this year.

7 I think we need to think in terms of being a total
8 U.S. team. It's not one community here against the other;
9 it's the U.S. trying to get the other foreign countries to
10 comply.

11 We need to look at all of these options, and I
12 think we need to get on with it. Thank you.

13 MR. SUTTER: Thank you, Ellen. And I just wanted -
14 - you brought up a really important point that I didn't bring
15 up, and that is that part of the requirement is the 10
16 percent coverage.

17 Another issue, too, that I was just asking Chris
18 about (inaudible) bring up (inaudible), because you triggered
19 my memory on it, and that is an issue that was brought up at
20 the South Atlantic Council meeting, and recently at -- it
21 looks like it's going to pass, but the state of Georgia is
22 waiting on the governor's signature, and he actually might

1 have signed it last week, that prohibits landings of billfish
2 in the state of Georgia. So, I mean, that -- you know, if
3 that's in one state, then -- so we'll have to see. That's an
4 interesting development there.

5 What I have now is Rom, then Mark, then Glen and --
6 okay, I know there's a lot of other people; that's why I
7 wanted to make sure I didn't miss. Okay, and -- no, but who
8 else? I wanted to make sure. Okay. Okay. Okay, so Rom,
9 maybe you can go first, then we'll --

10 MR. WHITAKER: Okay, Rom Whitaker, Hatteras Charter
11 Boats. I have to agree with Jack: HMS species are certainly
12 not rare events for anybody in our area. I'd be out of
13 business if they were. But billfish are somewhat rare, but
14 tuna's certainly aren't.

15 Second point, MERFS, I totally agree with what
16 Ellen was saying. As far as I can tell, the MERFS survey,
17 the telephone part of it, is, best I can tell, is almost
18 useless. I feel like that money would be much better spent
19 for dock surveys or maybe redesigned for some other type of
20 survey.

21 Let's get not just one or two states involved;
22 let's get all the states involved, and come up with a program

1 that works for everybody and try to coordinate into some kind
2 of forum that everybody is familiar with and I think there's
3 a program right now, they're working on that.

4 Next point, the recreational billfish survey, just
5 from '98 to '99, the number of tournaments reporting went up
6 33 percent. Forty one new tournaments signed up. I don't
7 think 41 new tournaments were formed; I think that people all
8 of a sudden decided that the federal government will require
9 them to submit, so you may have 41 again this year or you may
10 have another 33 percent.

11 So I think what's happening when we go to ICCAT,
12 we're getting the numbers that we have on what tournaments we
13 are, but we're not getting a true number when all these
14 tournaments start coming in, we're going to be way over the
15 250 I'm worried about. We're not going to be catching any
16 more, but it's going to be a bigger number.

17 And it make us look bad because all of a sudden
18 we're saying we're going to catch 250; we're going to come in
19 next year at 500 or whatever the number turns out to be,
20 because all the tournaments are not reporting. And if you
21 look in the back of any of these magazines, you'll see that
22 there are a lot of billfish tournaments.

1 And this is even going to be worse with yellowfin
2 tunas. I don't know if this is the time to bring that up,
3 but I'm very concerned for North Carolina, on the yellowfin
4 tuna issue. I mean, I can see us being limited to two per
5 boat per day.

6 The next item, charter head boat log books: I
7 certainly don't mind doing a log book. I think 10 percent --
8 if you're going to start the program, I think 10 percent is
9 way too low a number. I think it should be much higher than
10 that. And if you're going to do the log books, we're out
11 there, we're writing it down, not only make me do tuna and
12 marlins, but go ahead and put dolphin or mahi-mahi and wahoo
13 right on the same form and let's get us -- get to the same
14 form.

15 And the permits, I'm required now by South Atlantic
16 to have a pelagic permit for -- I forget, mahi-mahi,
17 bluefish, little tunies. I would like to see where I only
18 have to worry about one permit a year instead of one from the
19 South Atlantic, one from the NOAA -- I mean, National Marine
20 Fisheries. I would like to see somehow enough (inaudible).

21 Let's see, I'd like to know, when we reach this 250
22 cap, that we're going to be allowed -- is all of a sudden

1 these guys that are at the late end of the spectrum on
2 tournaments, especially white marlin open, these guys up in
3 Maryland, maybe even North Carolina. As the billfishing need
4 move North, these people spend millions of dollars in
5 advertising and setting out a set of rules, all of a sudden
6 they're going to wake up one day and be, hey, you all can't
7 have your tournament. I'd like to know what's going to
8 happen when they reach their cap.

9 Talking about minimum size, I think if you'll look
10 at most of the marlin tournaments, they have already
11 increased the minimum size to 110 inches in most cases, in a
12 lot of cases, and I think the federal government only
13 requires 99 inches on blue marlins. On white marlins, I
14 think it's around 66. I'm not sure, but -- so I'm not real
15 sure that minimum -- I think we've gone about as far as we
16 can on the minimum size deal. I'm not sure that that would
17 be effective.

18 The toll free call in system, I don't know. It
19 doesn't seem to be -- it's another one of those things I
20 don't think is working that well. Thank you.

21 MR. SUTTER: Okay, thank you, Rom. Next is Mark,
22 then Glen, and I also have Clarence and Rich. Who else did I

1 miss? Okay.

2 A PARTICIPANT: (Inaudible.)

3 MR. SUTTER: John, okay. Now we'll go -- I just
4 want to make sure we get everybody around one time, Randy, I
5 see you, then we'll go back the second round. Glen?

6 MR. SAMPSON: Mark Sampson.

7 MR. SUTTER: Mark, I'm sorry.

8 MR. SAMPSON: Ocean City Charter Captains'
9 Association. When -- especially now that we're talking about
10 such a, in one way, a small number, 250 fish, obviously
11 accurate reporting becomes all the more important, and a
12 timely reporting. So the thought that you all are already
13 even discussing the call in reporting for these fish, that
14 scares me a lot, considering the way that I believe it has
15 gone with the bluefin tuna.

16 The -- and at the same time, as we've discussed
17 with you all very many times, about how well -- or how happy
18 we in Maryland and I think the North Carolina guys are with
19 are with our bluefin tagging program, and how I think some of
20 the other states now are also discussing with you all that
21 they would like to see that for bluefin too, and maybe it's
22 time for the -- for NMFS to go ahead and initiate a federal

1 program somehow; obviously there's a lot of hurdles to
2 overcome to get that done.

3 As the billfish situation becomes all the more
4 important, I would think that maybe this might be even more
5 of a reason to get that program going. Whether -- I'm not
6 saying necessarily that right away we have to start out as a
7 combined billfish and bluefin permit thing, but at least it -
8 - somehow it seems like it only makes sense. The time is
9 right. And perhaps even down the road, if it gets to the
10 point where all HMS are involved in a tagging program,
11 certainly this would be the spring board for that.

12 So I just definitely would like to go on record as
13 saying that I really am opposed to having a call in for the
14 billfish, as far as reporting, because the numbers that could
15 be extrapolated from that, I just fear could shut this
16 fishery down or in one way or the other; so unreliable that
17 it could have devastating results one way or the other.

18 At the same time, a tagging program, I think now,
19 for the billfish, would be very appropriate.

20 MR. SUTTER: Okay, thank you, Mark. Glen then
21 Clarence.

22 MR. DELANEY: Yeah, I appreciate Mark's and Ellen's

1 comments, because mostly it seemed we were hearing nothing
2 but what not to do with no affirmative suggestions as to how
3 to make sure we stick to a 250 fish allocation. You know,
4 only in New Jersey, I guess, can you come back from a
5 negotiation where other nations got cut either, what, 50 or
6 67 percent and we came back with what I understood to be
7 actually a small increase, and people are still complaining.

8 It's a wonderful process we have here. But I thought we did
9 a pretty good job on that.

10 But I think the seriousness that we have to take
11 this is extremely great. Nelson had a question earlier of
12 Mariam, who probably ran out the door: are we in compliance?
13 And here's some thoughts about that.

14 First of all, I think there's no question that we
15 are not in compliance. We are starkly not in compliance with
16 the August 1, 1997 recommendation on bigeye tuna and
17 yellowfin tuna from ICCAT, which does require that we have an
18 observer or monitoring program for 5 percent of the vessels
19 using fishing gear other than long line, purse seine and bait
20 hooks, in the United States. To my knowledge we're nowhere
21 near 5 percent of the vessels, but I'd like to see how it is
22 that the agency is addressing that particular obligation.

1 But that certainly would seemingly be something we're out of
2 compliance with.

3 But looking at the bigger picture, we have an
4 obligation under the convention -- when we entered into the
5 ICCAT convention, we obligated ourselves to maintain a
6 monitoring and reporting program that -- and to have an
7 enforcement program that was adequate to ensure that we could
8 be in compliance with whatever ICCAT conservation
9 recommendations were adopted. All nations have that
10 obligation. So I think we need to think, in terms of our
11 discussion here, about that.

12 Another issue is, we are in the process of
13 developing an allocation criterion, an allocation policy for
14 ICCAT for both member nations and new entrants. A great
15 focus of those criteria -- I can almost guarantee that one of
16 those criteria for evaluating whether a nation should receive
17 an allocation or how much of an allocation, one of those
18 criteria if not a few, are to the issue of the nation's
19 ability to comply with it's conservation obligations, and
20 ability will be specifically referenced to, do we have the
21 programs in place, do we have the monitoring capabilities.

22 This is a very, very big issue in the context of

1 that. That agreement will come to conclusion some time in
2 the next year or so, I would guess.

3 Japan is also pursuing what is becoming a rapidly
4 embraced concept at ICCAT of essentially establishing
5 international standards of performance for nations to be
6 evaluated both on allocation issues as well as membership
7 issues in ICCAT, and it focuses heavily, heavily on the issue
8 of a nation's ability and performance -- not just their
9 ability but their actual performance, in monitoring their
10 catches and therefore ensuring compliance with ICCAT
11 conservation recommendations.

12 All of these things that I just mentioned are
13 things that the U.S. is way out in front on. This isn't
14 something that we're being dragged through; we're out in
15 front on this. We are insisting that other nations sort of
16 meet the standards that we profess to have when we go to
17 ICCAT.

18 The U.S. -- to that point, the U.S. has this year
19 launched a new initiative, particularly Rolly (phonetic) and
20 myself, working with a number of the constituents, an
21 initiative to essentially restore ICCAT's commitment to
22 conservation.

1 We went through an experience last year in Morocco
2 which, for the first time in my experience, I witnessed ICCAT
3 really abrogate its conservation mandate altogether, with
4 respect to eastern Atlantic bluefin tuna and South Atlantic
5 swordfish, to the point where the economic or financial
6 considerations of individual member nations completely
7 superseded the conservation obligations. And this initiative
8 that we started is focused heavily on the European Union, and
9 they are going to be taking a lot of diplomatic, political
10 heat as a result of actions they've taken in recent years,
11 which included Morocco, and the U.S. is completely out in
12 front on this, joined by probably Canada and maybe Japan.

13 And again, I mentioned that because the focus at
14 ICCAT is intensely on not just compliance but the ability of
15 a nation to adequately monitor its vessels and its catch and
16 to report accurate data to ICCAT. So from a commissioner's
17 standpoint, I hope we take every obligation that we come home
18 from ICCAT with very seriously, whether it's 250 fish or a
19 quota or a tonnage quota of swordfish or whatever. This is
20 serious business.

21 The last thing I'd like to say is that, maybe by
22 way of example is, you know, how much does it cost a U.S.

1 long liner, when he gets caught landing a swordfish above its
2 quota of zero -- I mean, a billfish above its quota of zero?

3 I suspect the penalty is rather substantial. Well, that's
4 what it takes to maintain compliance when you have a very
5 precise quota at RK-0 (phonetic), in this case 250.

6 It's not for me necessarily to get into the
7 question of how you count 250 fish, but I think you need to
8 be very strict about that, tagging and allocation of tags
9 seems to me the only way you can ensure strict compliance
10 with that number.

11 It's the distribution of those tags which becomes
12 an allocation issue, a real economic allocation issue that is
13 as important to the people involved in this fishery as it is
14 when they allocate pollack in the North Pacific or something.

15 I mean, this is big money to these people and it's a very
16 precious resource.

17 How are we going to divvy up 250 tags among -- you
18 know, maybe it needs to be at auction, maybe it needs to be a
19 lottery, I don't know, but I think it has to be something
20 more precise than a phone call in system which, you know,
21 that -- I don't know who takes that seriously, and something
22 more precise even than minimum sizes, because that has proven

1 itself to cause us to come in a little bit high. And as
2 Ellen correctly pointed out, if you come in at 280 fish
3 you're going to have to -- you're going to have 220 the next
4 year. So you don't get away with it; you're going to have to
5 deduct it from the next year.

6 So those are just some thoughts.

7 MR. SUTTER: That's great. Thank you very much.
8 Clarence, then Rich.

9 MR. LEE: Thank you, Buck. A couple of points.
10 One, several people have mentioned about the tagging program
11 that we have in North Carolina for bluefin tuna. I think
12 that's an outstanding program. I think it needs to be
13 expanded. I think it has proven successful.

14 I'm not sure whether we need to have another pilot
15 program to test it. The program -- we've collected the data.
16 I think that program could be expanded, and I think we could
17 tag every bluefin. I think we could also expand it into
18 tagging all billfish. And I think Maryland is doing the same
19 thing, and very successfully. So I think we have a model
20 there. I think we can use that model to expand and improve
21 out data.

22 The next point I'd like to make is that in the

1 MERFS program, the success of the MERFS program has to do
2 with a sampling and the amount of sampling that you do. In
3 North Carolina, we have poured money into that. As Ellen
4 mentioned a while ago, we've used sports fish restoration
5 funds. And our sample size is anywhere from 14 to 20 times
6 that mandated by NMFS.

7 If you pull up the MERFS data and you look at the
8 billfish or the HMS species in that data, and you look at the
9 North Carolina compared to the other states, and I'm not
10 knocking the other states, but it's very apparent that our
11 data is excellent, and that we capture the yellowfin tuna, we
12 capture the bigeye tuna, we capture the albacore. That's all
13 in our data base. And if we don't start doing this in the
14 other states, we're going to continue to get penalized.

15 When we deal with these forums and with ICCAT,
16 we've got to have reliable information. It's like Rom said a
17 while ago, when the -- we're not going to be catching more
18 billfish, it's just that you're going to have more
19 tournaments reporting. That's the same thing that's going to
20 happen to us with other HMS species.

21 There's another avenue that we're missing here in
22 our data collection, and that is, we have the Atlantic

1 Coastal Cooperative Statistics Program, ACCSP. All of our
2 data collection in MHS needs to be integrated into the ACCSP
3 program and it needs to be done now. That should not be
4 delayed.

5 That's a funding umbrella that we're missing out
6 on. We could be using that program, if we get a module going
7 to HMS; we could then be using that, the ACCSP program, to
8 obtain funds to support the things that we need to do. That,
9 along with how we use sports fish restoration funds, would
10 give us another funding source to pour into HMS, and that's
11 something that we need to be working on.

12 I think long term, we need a program for our
13 charter boats and head boats where we do electronic reporting
14 on the way back into the dock. And I think the technology is
15 here for that program. I think that if we start funding that
16 and looking at a five year program, get a line item in the
17 budget, the NMFS budget, to support that, I think it could be
18 done. I think our charter boat fleet, at least in North
19 Carolina I believe, with the people that I've talked to,
20 would be very supportive of that program.

21 We're never going to get there if we don't start.
22 I mean, we've got to get a program going and we've got to get

1 a program as soon as we can and get into that funding stream.

2 And that reporting should include not only -- it
3 should include all of the HMS species, not just billfish or
4 bluefin tuna.

5 And the last, I guess, point I want to make on our
6 HMS and our billfish is, the economic impact that this fisher
7 has on our country and the jobs that it provides, and for --
8 some way we need to work that into our system, and I'm sure
9 that we do, and I'm not -- I don't mean to be naive about
10 this, but it just -- we need -- in some way, that needs to
11 work up to a higher level in our government, in terms of the
12 budget and the funding, as to the impact that the
13 recreational fishery really has. And not only recreational,
14 but the commercial, really has, and that should then carry
15 you over into this ICCAT process as just how important that
16 is.

17 Thank you, Buck.

18 MR. SUTTER: Thank you. Lost my voice, there.

19 Thank you. Okay, Rich, then John.

20 MR. RUAIS: Thank you, Buck. Clarence actually
21 touched upon part of the issue that I wanted to talk about,
22 and that was, I'm wondering how some of my colleagues in the

1 recreational arena feel about the accuracy of the estimates
2 of recreational catch in the angling category. And
3 specifically, you know, looking at the allocation issues that
4 we're going to be talking about tomorrow, we can see that the
5 angling category again last year is reported to have caught
6 less than half of its quoted category -- quota, for all their
7 sub categories.

8 And I'm wondering if outside of these state
9 programs in Maryland and North Carolina whether the community
10 is fairly well satisfied that these estimates accurately
11 reflect the extent of the recreational fishery for the school
12 bluefin tuna and the large school, small medium. And if you
13 do feel they're fairly accurate, how does that square with
14 the complaint we hear often that the yellowfin tuna estimates
15 and the rest of the catch estimate by NMFS, are really low
16 ball

17 And this can either -- you know, when people get
18 the mic, maybe Joe McBride or Rom or any of the others that
19 are operating in an area where the state isn't running the
20 show and where the call in or the LPS is largely in play,
21 those are the areas where I'm wondering if there's confidence
22 that these numbers are indeed accurate.

1 MR. SUTTER: Thank you, Rich. Okay, I see your
2 hand, Joe. I'll write you down. John?

3 MR. JOLLY: John Jolly (phonetic) with the West
4 Palm Beach Fishing Club. Sorry I got here a little late.

5 I'd just like to reiterate what Ellen Peel from the
6 Billfish Foundation said in her summary there; I think the
7 West Palm Beach Fishing Club supports her comments
8 wholeheartedly.

9 I'd also like to concur with what was just being
10 said by one of my colleagues here about the Atlantic
11 Cooperative Statistics Program. I think NMFS does need to
12 work as closely as they can with them. They're very concern
13 -- I'm an advisory panel member on that group, and we're also
14 very concerned about trying to get some of these billfish
15 catch statistics.

16 We've even talked extensively about, you know, do
17 you try to use a system like MERFS that's already in place,
18 by fixing it some way to get at these rare events, or do you
19 try to start something brand new? And I think the Carolinas
20 have demonstrated that you can augment what they've been
21 doing and get much better data.

22 In the 1970s, we did some research looking at the

1 recreational fishery at large in Palm Beach County, and we
2 were very surprised to get an indication that there might
3 have been even five figures of landage for sailfish, for
4 example -- excuse me, catches of sailfish, not all landings.

5 And we were absolutely convinced that the recreational
6 fishery at large was landing far more sailfish than the
7 tournaments were. The tournaments have been release oriented
8 for decades.

9 So there is I think a real critical need to get at
10 that data from the recreational fishery at large, and it's
11 one of the areas that we have absolutely got to find a way to
12 accommodate.

13 I also would say that the recreational fishery has
14 been leading in this conservation area for a long time, but
15 they -- we can't stop now. We can afford this conservation
16 ethic and the recreational fishery's going to continue to
17 have to lead. And if it means we're going to have to give up
18 some more things, that's what we're going to have to do.

19 The West Palm Beach Fishing Club is a little bit
20 worried that we've been landing a lot of big fish, for
21 example, blue marlin, for example, over the last 30 or 40
22 years, at a time when the population is being critically

1 reduced. We don't have any concept of what the biological
2 contribution of these large spawners is. And you know, there
3 may be some room to where we need to look at the big end
4 rather than the little end, because when you get down to 15
5 percent of your once natural abundance, the big spawners make
6 a huge contribution; we just don't know what it is.

7 MR. SUTTER: Thank you, John. Randy, you're next,
8 and then Joe hasn't made a comment. Nelson and Mau, I've got
9 both of them down, so is it okay if Joe -- oh, I'm sorry, I
10 thought you were helping me point. I thought you were
11 helping me, guide me. I'm sorry, I apologize.

12 MR. BLANKINSHIP: Randy Blankinship, Texas Parks
13 and Wildlife Department. Mau, I think just real quickly that
14 the data base you may have been referring to as the
15 REDFINCOMFIN (phonetic) data base by Bill States (phonetic)?

16 A PARTICIPANT: (Inaudible.)

17 MR. BLANKINSHIP: Okay.

18 A PARTICIPANT: (Inaudible.)

19 MR. BLANKINSHIP: Okay, well, anyway, the -- I was
20 going to speak a little bit about that, and the effort that
21 the Gulf States Marine Fisheries Commission is doing right
22 now to try and beef up their charter boat information. They

1 have a little extra money and they're using some contracts
2 with the states, and particularly in Texas is what I'm
3 familiar with, where we're trying to do some more surveys
4 within this year, to intercept more of the charter boats.
5 That for Texas alone is going to be probably four or five,
6 hopefully, full time people, and plus all the time that me
7 and my staff, just in the lower Texas coast, has put in
8 already, trying to beef up our information base so that we
9 can begin that program.

10 You know, when you try and get information on a
11 small aspect of a fishery like that, and try and do it with a
12 random survey, it takes a lot of effort. And just from a
13 practical stand point alone, when you're looking at 250
14 landings, that really lends itself to a tag type of a program
15 of some sort; it's a lot more cost effective.

16 MR. SUTTER: Okay, thank you, Randy. I'll
17 apologize again to Russ. I actually like that way of turning
18 it sideways; it makes it easier for -- we're having a new
19 standard that we set here at these meetings, turning the name
20 tag sideways.

21 So I'll let you guys fight it out, Russ or Joe, who
22 goes next. Go ahead, Russ.

1 MR. DUNN: To go back to the handout sheet and just
2 address issues one and two quickly, I think the only real way
3 to get a grip on the numbers is to allocate the landing tags.
4 So we would favor addressing -- or having that be the
5 preferred alternative. We certainly wouldn't want to rule
6 out anything else at this point, but the only way to really
7 be sure of the number of landings is to go with the tag
8 allocations.

9 To move the issue, too, with improved monitoring, I
10 think you've got to have a combination of everything. I
11 agree with just about everything that we've heard here so
12 far, that tags are the way to go and that the data needs to
13 be improved. I think if you -- to require a recreational
14 permit, that's a way to help fund the landing tag program, as
15 well as pay for enhanced surveys.

16 So we would favor sort of a combination on issue
17 two of at least landing tags program, enhanced surveys, and
18 the recreational permit as the way to help fund those.

19 That all being said, we all have to not lose sight
20 of the fact that recreational fishing is not the major source
21 of mortality for billfish, that we've got 90 plus percent
22 coming in for white marlin, of mortality, U.S. mortality,

1 attributed to the long liners and 70 plus -- or about 70
2 percent of the blue marlin mortality, if I remember
3 correctly.

4 So while this is critical, certainly we need to
5 abide by ICCAT binding recommendations, we're fully
6 supportive of that, we can't take our eye off the ball, off
7 the big picture where the larger source of mortality is
8 coming from, and we need to take steps, concrete steps, in
9 the short term to address the real source of mortality.

10 MR. SUTTER: Thank you, Russ, and I appreciate your
11 patience. Joe? And then after him, it would be Nelson,
12 you're next.

13 MR. McBRIDE: Yes, Buck. Thank you, Buck. First
14 of all Sharon, I think just in my ignorance here and your
15 comment from Jimmy, you were referring in the small number of
16 fish taken, you were talking about billfish only, not HMS in
17 general, am I correct?

18 MS. McKENNA: I was talking about blue and white
19 marlin only (inaudible).

20 MR. McBRIDE: Yeah, that's what I thought. Okay, I
21 -- because I heard Jack mention that and I thought maybe he
22 misunderstood what you said.

1 The second thing, if -- and Buck, you could help me
2 out here -- the U.S. -- by the way, we all understand, like
3 it or not, agree or disagree, and marlin fishery is not a
4 major concern of our particular area; it was at one time, but
5 it hasn't been for many years because they're not there, for
6 whatever reason -- the U.S. has 250 fish, and these fish
7 would do -- this quota, well, bag limit, whatever term you
8 want to use for the U.S. recreationally, was due to our
9 conservation catch and release efforts over the years. Is
10 that a relatively safe thing to say?

11 Now, I don't know who could answer, maybe Glen,
12 maybe yourself, Buck: in the other ICCAT countries that had
13 a big -- took big reductions, 50 percent, 67 percent, how
14 many fish are they allowed to land, in numbers, as compared
15 to the U.S. fishery? Does anybody know?

16 MR. SUTTER: Well, I guess the -- I mean, Glen may
17 be good to answer the question, but the only thing that would
18 come to my mind, just off the top, would be -- I mean, how
19 many are they -- well, because it's a percentage of what 1999
20 landings or --

21 MR. McBRIDE: No, let's -- let me (inaudible)
22 again.

1 MR. SUTTER: Maybe I misunderstood.

2 MR. McBRIDE: We have 250 fish that we can land in
3 this country, just so be it. Now, other countries were
4 reported to have taken 50 to 60 percent reduction at ICCAT
5 last time. What does that mean in numbers of fish? Is it --
6 did they go from 20,000 marlin down to 5,000 marlin? I mean,
7 these are the things I want to know, in numbers of fish,
8 because --

9 A PARTICIPANT: About 100,000 of the (inaudible)
10 total marlin killed through out the North and South Atlantic.

11 MR. McBRIDE: They -- I'm sorry?

12 A PARTICIPANT: The estimate is that about 100,000
13 marlin, total, are killed in the North and South Atlantic.

14 MR. McBRIDE: Are killed.

15 A PARTICIPANT: That's a loose estimate.

16 MR. McBRIDE: Well, well --

17 A PARTICIPANT: I mean, I don't think any of us
18 have a lot of confidence, but that's the number we're talking
19 about here.

20 MR. McBRIDE: Okay, but how much -- let's take a
21 country like -- is Venezuela in ICCAT? Again, my ignorance -
22 - what are they reduced to in landings?

1 A PARTICIPANT: I don't think anybody has the
2 country landings on the tip of their tongues here, Joe.
3 (Inaudible.)

4 MR. McBRIDE: Oh, okay. All right, that's all
5 right, there's no big -- I thought perhaps you all knew this
6 because everybody spoke about quotas and you all know the
7 U.S. --

8 MR. DELANEY: (Inaudible) nations fishing in ICCAT,
9 you know, forgive us if we don't have the landings memorized.
10 But I think the road you're going down may backfire on you
11 in the sense that, if I -- I apologize for interrupting, but
12 you know, the point that you're illuminating is that both
13 U.S. recreational and U.S. commercial contribution to
14 billfish mortality is barely measurable, compared to other
15 nations.

16 So when I hear Russell Dunn and others talk about
17 their noble efforts to get to the real source of mortality,
18 and that's U.S. pelagic long lining, it's -- you know, let's
19 get real, guys, it's the foreign long line fleets that are
20 taking the billfish. The U.S. long liners land zero percent
21 of their catch, and that's been that way for a long time.

22 And we finally got other countries to come on board

1 with some measure of reduction. And the numbers are
2 astronomical, in part because it's a valuable commodity to
3 them; in part because they tend to fish in areas that U.S.
4 vessels don't fish in, in the equatorial region, from five
5 North to five South, where billfish concentrations are
6 extremely high, particularly on the western side of the
7 Atlantic. Take a look at the ICAAT landing data on the
8 Atlantic charts and you'll see what I'm talking about.
9 That's where they fish, and the catch per unit effort of
10 billfish is exceedingly high there, relative to where U.S.
11 long liners generally fish.

12 And so if you want to get to the real -- and Russ
13 Dunn knows this and he goes to ICCAT. He can read the charts
14 just like you and I. Let's get real and focus our attention
15 on the real source of billfish mortality, which is 90 some
16 odd percent foreign.

17 MR. McBRIDE: (Inaudible.)

18 MR. SUTTER: Oh, Joe, can you turn your mike on?
19 Sorry.

20 MR. McBRIDE: I'm sorry. I was just thanking Glen
21 for that information, and commend -- commending him and ICCAT
22 for trying to see that these other countries he described as

1 being the source of the biggest mortality, I'm assuming that
2 hence forth, they're going to have better compliance in
3 conservation ethics that you agree to than they have, for
4 example, in other species that you monitor in ICCAT, such as
5 the bluefin tuna, which they, according to your own
6 statements, literally tear apart on the Eastern European
7 area.

8 Anyhow, that's two things. Rich, if I may answer
9 your particular scenario, yes, and we go on to the bluefin
10 tuna. We have asked in Montauk, and volunteered in Montauk
11 for at least two or three of these sessions, for a tag
12 program which we would help, but cannot get the support; we'd
13 even pay for the tags on an experimental basis at Montauk,
14 for the landings, similar to Maryland and what have you, as
15 long as it, you know, stays within a reasonable dollar and
16 cents scenario.

17 But you've never come back to us, and I think part
18 of the problem, when your predecessors were running the HMS,
19 was money, like a lot of the programs. So I'm not going to
20 get into that. But just to answer that part, Rich.

21 The second thing, and one of the reasons we're
22 concerned about landings, this is a terrible thing to say,

1 but years ago, before you had the angling -- the separation
2 of the angling and the general category, a general category
3 boat could land angling size fish.

4 And the allegations were, one particular year, that
5 some organizations up, affiliated with the general category,
6 were encouraging their members to call in the landings of the
7 school size fish and the large school and small, mediums.
8 And would you believe they closed up Long Island -- Lock
9 Island Sound for a year or two? And we didn't get our spring
10 fishery because the quota was closed.

11 So it's important to us also to see that landings
12 are accurate, and they're not called in in a false manner and
13 so forth and so on, and there's some follow up on a phone
14 call by the agency to see that there's some veracity in some
15 of these scenarios. Thank you.

16 MR. SUTTER: Thank you, Joe. Okay, is there
17 anybody else that has not said anything that --

18 A PARTICIPANT: (Inaudible.)

19 MR. SUTTER: Oh, sure.

20 A PARTICIPANT: Thank you, Buck. He was responding
21 to my request. I guess, Joe, we must have stopped calling in
22 the catches, because you're not catching the fish anymore.

1 But what I was really asking for, I know I've heard
2 you before say you'd support a tagging program, and that's
3 great, and I'm just asking the more fundamental question of,
4 do you believe -- do you think these estimates that NMFS is
5 not putting, that the angling category is basically catching
6 less than half its quota each year, are accurate in the
7 areas, for example, where the large pelagic survey is the
8 primary source of information on your fishery?

9 MR. McBRIDE: I think there is (inaudible) -- well,
10 it's over, I -- yes, I think they're as accurate as any of
11 the surveys, including MERF surveys and what have you. We'd
12 like to improve it for a number of reasons, particularly in
13 the economic areas, as a carry over from the actual landing
14 figures. Because we would like to have on the record the
15 economic importance, similar to the commercial industry, of
16 the sport fishing industry, which includes both your charter
17 and party boats, your marinas and your various ports,
18 restaurants and things, and people who depend on our
19 industry, which is, we consider, very important. Thank you.

20 MR. SUTTER: Okay, thank you. I guess Nelson,
21 you're next, and then Mau.

22 MR. BEIDEMAN: Yeah, first a question to you, Buck.

1 Are we doing issue one and two, or are we doing issue
2 (inaudible) --

3 MR. SUTTER: Well, we've gotten to one, and now we
4 haven't got -- I mean, really one and two are part of the
5 same. In fact, I can remember when we were putting the
6 slides together, one and two basically deal with the marlin
7 issue; three was the swordfish recreational fishery. But I
8 think a lot of the same -- there's a lot of overlapping
9 issues there, as far as just the monitoring of HMS
10 recreational landings; could be germane to both.

11 MR. BEIDEMAN: Yeah, okay, well, then for the
12 record, I'd like to get some of the comments on issue one and
13 two, at least, and I'd like to support some of the things
14 that I've heard around the table. First off, that the call
15 in system is very low in credibility and that landing tags
16 seems to be very high.

17 Increased dock side surveys, dock side intercepts,
18 I've heard, and I would appreciate comments from Rom, that we
19 get rid of the MERFS and LPS phone surveys, because I've
20 never been in a meeting in the last 11 years where there was
21 any confidence expressed in MERFS or LPS. Every time it
22 comes up to a recreational estimate, the recreational fishery

1 says it's no good, you can't use it, we'll take you to court;
2 every single time, without exception.

3 There is zero confidence in MERFS and LPS. And I
4 think it's one of the best comments I've heard in a long time
5 that we just get rid of the LPS and MERFS phone survey
6 portion and try to get a system that there's some confidence
7 in. Apparently there is much higher confidence in the Gulf
8 of Mexico, and why isn't it possible to expand a program that
9 we can all have, you know, some belief in?

10 The landing tags, you know, I think it's good. I
11 voted for it. I supported it in the billfish. I really
12 worry about how you're going to get that (inaudible) work. I
13 don't want to get into that. That's your fishery; I don't
14 understand you're fishery as much as you do. But I think it
15 would be very difficult, and you might need to think about
16 factoring in, in the first year, if you can't get it up and
17 going.

18 Because the time for experiments is already passed.
19 We need the real deal. Now, coming out of the box in June,
20 you need the real deal to ensure United States government
21 compliance with the treaty.

22 Dock side, increase dock side intercepts,

1 absolutely.

2 A couple of things I wanted to point out on the
3 issue number two. First off, although I believe that the
4 increased minimal sizes is a useful tool, I don't think that
5 increased minimal sizes ensures, you know, getting the job
6 done.

7 Second off, you know, I really hate to bring this
8 up for me. I think you folks -- now, most of you are
9 recreational representatives. When we put these two panels
10 together, we get one additional commercial representatives,
11 Jack Devneu, and we get 25 additional recreational
12 representatives.

13 Most of you know your fisheries and should perhaps
14 discuss, at least in an interim period to ensure and feel the
15 ground of what you've got here, is prohibiting landings
16 outside of tournaments for billfish. The tournaments are
17 somewhat reporting and monitored, and you have some
18 confidence in what's going on there, fairly high confidence;
19 outside of the tournaments, you don't. I heard numbers of
20 500. If the U.S. doubles its quota, it will lose credibility
21 and it will make getting any --

22 (End side A, tape 4.)

1 MR. BEIDEMAN: -- not a Blue Water thing; I'm just
2 throwing it out there.

3 Also, there's one thing I wanted to add, and that's
4 that whatever you do work out with billfish may also work
5 with swordfish, because there again, you've got a quota
6 monitoring situation. Thank you.

7 MR. SUTTER: I've just have been informed here by
8 Chris, I guess we've kind of run over a little bit, and I
9 know that Mau has some comments and Glen as well, and I'm
10 sure that there must be some other comments that we'd like to
11 talk about with swordfish. What's your pleasure here, Chris?

12 MR. ROGERS: (Inaudible.)

13 MR. SUTTER: Okay, then Mau.

14 DR. CLAVERIE: It'll take me 50, but I'll try. I
15 think we're missing something. Ellen alluded to it, but of
16 the 250 aggregate fish, maybe we ought to see if we can
17 factor in encouraging that that be tilted towards blue marlin
18 and saving more white marlin. I don't know if that's
19 important, but if the white marlin are in worse shape, maybe
20 we might see if we can do that.

21 MR. SUTTER: And just to let you know, Mau, last
22 year, for 2000 the numbers we got was 100 -- I guess it was

1 116 blue marlin and eight white marlin.

2 DR. CLAVERIE: Okay, so they're taking care of

3 themselves, because they're not around to be caught.

4 Louisiana, the state, does not count the fish, NMFS does,

5 through this system I've said.

6 And as far as a rare event, the scientists have

7 always told us that the billfish fishery is statistically a

8 rare event. Some people who are lucky may not think it's

9 that rare, but statistically that is why, even though MERFS

10 does serve a purpose in other fisheries, it has always said

11 that it is not appropriate to use it either to keep track of

12 quotas in recreational fishery or to count rare event fish.

13 So that rare event is a defined term by the scientists and it

14 lines up.

15 The body tags, I'm really upset about, because of

16 the possibility that if you start talking about body tags,

17 it's going to end up with, you're going to make 250 of them a

18 year and good luck getting them to the people who have the

19 fish to be landed. That is an impossible situation.

20 However, if we do have multiple systems that count

21 fish, and we have some experience of this in the Gulf on one

22 fish, if you use body tags broadcast greatly to identify a

1 fish that is landed, so that if it is counted in two
2 different systems you'll know it was the same fish, then that
3 wouldn't be bad, but it would be expensive. You'll have to
4 have a lot of tags out there. But it would just be a
5 identification number.

6 Glen says that we over shot our mark last year on
7 the marlin, but I want -- that's not the way I look at it
8 under the new system. I may be wrong, but correct me: we
9 over shot our mark last year based on the fact that it was
10 poundage, and that's what the catch-22 is with minimum size.

11 But didn't you say, Buck, that the head count was less than
12 250? So we didn't undershoot if we're going by head count
13 instead -- I mean over shoot.

14 And so size limits may work. If the recreational
15 fishery is happy with size limits and we're under shooting
16 our quota, if you want to call it that, man, that's great,
17 leave it like it is; don't mess with it. So that would be
18 status quo: leave the size limit where it is if we're only
19 going to catch 160 fish.

20 Now, if that's not correct, I don't say that that's
21 -- but it sounds like a good shot to me. It's very unusual
22 for ICCAT to target a particular fishery, a particular

1 segment of a particular country's fishery in their
2 recommendation. Isn't that kind of unique, Glen, the U.S.
3 recreational catch 250 rather than the U.S. catch of 250?

4 MR. DELANEY: (Inaudible.)

5 DR. CLAVERIE: Okay, but they --

6 MR. DELANEY: We could have easily made it
7 (inaudible) 50 or 67 percent reduction (inaudible).

8 DR. CLAVERIE: Right, I understand, I understand,
9 but that to me is unusual. But also very --

10 A PARTICIPANT: (Inaudible.)

11 DR. CLAVERIE: Also very unusual is to tell us
12 exactly how to go about doing it. And what the ICCAT
13 recommendation says, start at 5 percent tournament coverage
14 with observers, or whatever it says, and move it up to 10
15 percent after a year or something. We're already over that.

16 Is ICCAT -- having told us exactly what to do, is
17 that all we have to do to satisfy ICCAT? I'm not saying
18 that's all we have to do to satisfy science and all that, but
19 is that all we have to do to satisfy ICCAT? Will that be
20 sufficient?

21 Have the other nations told us that if we observe
22 10 percent of the tournaments, whatever that means and we

1 count the 250 fish in the aggregate, that that's what they
2 want or do we have to go beyond what they told us to do? You
3 all who were there might have a feeling for that; I don't.

4 MR. SUTTER: Yeah, Mau, I think that John was
5 there. He'd like to respond, and I also see two other; Steve
6 Berkely and Robert Pride. I want to make sure that they have
7 their chance to say something, because none of those three
8 have had any comments.

9 DR. GRAVES: Mau, what we negotiated at ICCAT was
10 the status quo for our recreational fishery, and that seems
11 to escape a lot of people around here. And there's no
12 mandate within that recommendation that requires us to
13 improve our reporting system. So we already have 10 percent
14 of the tournaments covered. So what they've asked us to
15 increase over the two year period, we're there and beyond.

16 Now, if we wish to go ahead and to use a new ruler
17 to try and find more fish and change the, methodology that
18 we've used over the last 10 years to report billfish
19 landings, then we could run into a problem. But there's no
20 mandate in here to change the way that we've been reporting
21 our billfish landings.

22 MR. SUTTER: Okay, yeah, this to Steve, give a

1 quick comment, and then -- yeah, just --

2 A PARTICIPANT: Robert --

3 A PARTICIPANT: Just very quickly, the minimum
4 size, if you people remember the genesis of the minimum size,
5 the minimum size regulation was used because we didn't have
6 an estimate of how many fish were being caught. We had an
7 estimate of the size frequency distribution of some sub-
8 sample of the total number of fish that was being caught. So
9 we were able --

10 A PARTICIPANT: But --

11 A PARTICIPANT: -- using a size frequency
12 distribution, we could say that a certain minimum -- a
13 certain size would reduce the catch by a given percentage,
14 but if you're trying to comply with an absolute fixed
15 numerical number, minimum size is not the tool; it won't give
16 you that information, unless you know how many fish are being
17 landed. (Inaudible)

18 MR. SUTTER: I think Mr. -- Robert Pride had his
19 thing up. Lay that one down.

20 MR. PRIDE: Thank you. Robert Pride. I'm going to
21 speak as a private boat angler for a minute or two and I'll
22 try to make three points pretty quickly.

1 The first one is that when our delegation went to
2 Spain or Morocco or wherever they went this year and got us
3 to agree to 250 fish or status quo, it seems like they didn't
4 do an adequate job of representing what a good job we've done
5 in conserving billfish recreationally for the last 20 years.
6 And you know, the 98 percent reduction that we have achieved
7 in the last 20 years should have counted for our 67 percent
8 or whatever reduction we needed to worry about. That's point
9 one.

10 A PARTICIPANT: (Inaudible.)

11 MR. PRIDE: Okay. Okay, so that's point one. The
12 second point is that because the number of fish being caught
13 are so few, as compared to the 100,000 fish that are being
14 landed in the Atlantic, that there is a good argument to go
15 back to ICCAT next year and say that the recreational fishery
16 in the United States is a de minimis fishery; it does not
17 need to be monitored or discussed in any way. Okay, that's
18 the second point.

19 However, we've already agreed to something, so
20 what do we do? We can either do nothing, which is maintain
21 the status quo for monitoring this, or we can go to a pretty
22 rigorous program whereby every fish that comes on the dock

1 has to be reported, you know, pretty quickly. The only way I
2 could see to do that is to take some blend of the tagging
3 programs that are in place in Maryland, North Carolina, and,
4 you know, issue tags to certified stations, whatever they may
5 be, in the ports where marlin are typically landed.

6 We would have to issue more than 250 tags to make
7 sure we had adequate coverage. We would have to require that
8 a fish be tagged before it could be brought off the boat, and
9 to get that tag, yo have to fill out the report, and then
10 that report would need to be faxed to NMFS the same day. If
11 we do all that, then we could get a much higher reporting.

12 However, John Graves just pointed out, if we do
13 that, we might find that we've been landing more fish than we
14 thought we had. I don't think so. I think that the ethic is
15 such that we're probably landing very few fish.

16 Based on everything I've heard today, it seems to
17 me that the smartest thing to do is to maintain the status
18 quo; continue with the reporting that we have and continue to
19 promote the ethics that we have done so well with over the
20 past 20 years.

21 MR. SUTTER: Okay, thank you. I think Linda has
22 her thing sideways, and then I see Russ has also, then. I've

1 got you two.

2 DR. LUCAS: Linda Lucas, Eckerd College. I think
3 one of the problems we've got with this misunderstanding is,
4 Ellen, could you restate some of the data that you gave when
5 you were talking? And what I heard you say was that before -
6 - up until -- something about 1996, that we hadn't exceeded
7 250 billfish since 1996. Okay, is that right? So that since
8 1996, we've been catching less than 250. Is that --

9 A PARTICIPANT: Actually, I gave those numbers.

10 DR. LUCAS: Oh, okay, okay.

11 A PARTICIPANT: Yeah, that's --

12 DR. LUCAS: Well, I guess, then, is this simply a
13 problem of documenting that? Is that really what we're
14 talking about here, rather than -- and then we've got some
15 slippage here, because we've got more than one issue
16 introduced and one of the issues would be allocating these
17 250 fish that we aren't catching anyway.

18 So are we really talking about how well we're
19 documenting, or should we document better or should we
20 document more of those fish?

21 A PARTICIPANT: Well, I think that's the issue. Go
22 ahead, John.

1 DR. GRAVES: Well, I don't think anyone's asked us
2 to change the way that we're documenting our landings. I
3 think if I can speak for the service, which I'm not a member
4 of, but I think what they're concerned with here is that we
5 don't exceed our limit. But we have a catch limit and one
6 would expect that if we have an overage in one year, then we
7 would take it as an -- you know, that would have to be
8 carried forward to the next year.

9 Based on the last five years of data, I don't see
10 that as being a huge problem.

11 DR. LUCAS: Then what are we doing?

12 MR. SUTTER: I think what is, is that the issue, I
13 think -- I mean, without belaboring it, and I -- is that we
14 have a set system where we're getting numbers and there's no
15 doubt that even though that the number of tournaments that
16 we're getting from registration and reporting has gone up,
17 the landings have gone down. I think that it's pretty clear
18 from '98, 99 and 2000 numbers going from 230 something to 217
19 and then 116.

20 Also, you have to remember that the size limits
21 went into effect during 1999. There was some period of time
22 where it went back to -- I mean, the -- well, there was some

1 period of time where the 99 inch was not really fully
2 implemented. And plus, people didn't know about it. And so
3 there was some, even with (inaudible) limitation in '99, we
4 would have been okay, and I think we saw that much more
5 clearly in 2000 when the landings went way down. People were
6 also getting the idea.

7 But I think the issue, Linda, is still the unknown
8 part of the universe, and I think that's why we're asking for
9 comment on making sure that we get -- you know, because of
10 the way the survey is, there is a portion of the universe
11 that we may not be catching, and we want to make sure that
12 we're getting that adequately.

13 Okay, I saw that Glen raised his hand, and who else
14 had their -- oh, okay, Russ now and -- I don't know, Russ,
15 you want to go first and then --

16 MR. DUNN: Thanks. Just to respond to something
17 that was said a few minutes ago, and sorry, I can't see your
18 name tag. First, at ICCAT in Morocco, Glen and Nelson and
19 everybody else who was there did a fantastic job of getting
20 conservation steps secured for marlin. They couldn't have
21 done any more. And in fact, what they ended up with,
22 frankly, was a miracle given the atmosphere at ICCAT last

1 year, and the conservation community wholeheartedly endorses
2 what they came back with.

3 And I'll let Nelson and Glen respond to that
4 further, but in terms of the landing tags program, there's a
5 simple way to do this so that we don't go over, and that's,
6 for those of you who are from Maine, with the moose hunt
7 lottery. And I think Glen mentioned the lottery before.

8 You issue recreational permits for HMS and you --
9 that is the known world. You run it through the machine and
10 you get 250 tags that go out randomly to people who are
11 permitted, and those are the only people who can land marlin.

12 And that way you know you didn't go over those 250 fish. So
13 the concern about sending out additional tags, you know, and
14 getting more than 250 fish landed can be addressed pretty
15 simply.

16 A PARTICIPANT: I just wanted to sort of quickly
17 address sort of the direction that I think we've been going
18 the last few minutes, about whether we actually do really
19 need to do anything at all. We spend a lot of time in HMS
20 complaining about how little information we have and how we'd
21 like to have more concrete information. This is an
22 opportunity to do that if we can get a really good handle on

1 how many of these fish are being landed.

2 And I think we should take advantage of this
3 opportunity for that reason, but also because when we go to
4 ICCAT, we need to be able to stand behind this 250, and if
5 it's not a credible number, we don't have a whole lot of
6 leverage with billfish and we all know that. The team who
7 went to ICCAT last year did a great job and we need to give
8 them enough ammunition and credibility to do that again with
9 marlin, and the only way to do that is to be sure of the
10 number that we've got.

11 So I would certainly not advocate the status quo
12 and we should move forward. And I think it sounds like, from
13 the group, with lots of experience, the landing tag is the wa
14 to go, along as the recreational permit. Thanks.

15 MR. SUTTER: Okay, I saw Glen had his hand up then
16 --

17 A PARTICIPANT: Yeah, I'd like to associate myself
18 --

19 A PARTICIPANT: Yeah.

20 A PARTICIPANT: -- with that last speaker's
21 comments, but I -- and point out that I don't really entirely
22 agree with you, John. Perhaps the specific billfish

1 recommendation on its face says 250 fish; that's status quo.

2 Some of us saw that as an increase, and status quo on the
3 monitoring level.

4 And I think there is underlying that a much greater
5 obligation. That's why I was trying to point out that we had
6 that obligation under the convention. We will have a
7 heightened obligation to be able to monitor more effectively
8 our fisheries under the allocation criteria, under these
9 international standards of performance. And I think Japan's
10 going to succeed in getting through, and perhaps as a result
11 of our own initiative, to go after the EU on their lack of
12 performance.

13 So I think we -- there is a general perception, at
14 least I share it, and among many people, that the reliability
15 of our billfish data in the United States has been very poor;
16 that's why we kind of got caught a few years back in some of
17 our negotiations. And so we do need to do a much better job
18 than we have been doing in the past, particularly with non-
19 tournament level landings.

20 MR. SUTTER: Okay, John, can you respond to that
21 and then William? I think he hasn't made any comments. We'd
22 appreciate your comments.

1 DR. GRAVES: I'll agree with you, Clarence, in as
2 much as I wasn't in the smoke filled small rooms, but the
3 point I'd like to make: you know, when we look at the
4 yellowfin and bigeye recommendation where we're looking at 5
5 percent vessel coverage, that the United States is one of the
6 few ICCAT members that actually reports recreational
7 landings.

8 And you'll recall that a year ago, we had a
9 resolution that, this past year, that SERS countries were
10 supposed to be reporting the magnitude of the recreational
11 fisheries. We can't even get countries to report them, more
12 or less tell us how they're monitoring them, so the fact that
13 we're slightly out of compliance with that recommendation
14 that was directed not necessarily at recreational fleets --
15 we're the only ones that are at least coming close to
16 reporting them. So I find, you know, we're way ahead of the
17 game.

18 My concern here -- and I certainly would like to
19 know the best data that we have and report the best data that
20 we have. The trouble is, is, once again we might be leading
21 with our chin at ICCAT. And if I've learned anything over
22 the last six years, you know, going there with you, it's that

1 you play your cards very carefully, and don't put a card out
2 on the table unless you have to. And I'm just afraid that in
3 terms of the recreational fishery here, we could be leading
4 with our chin.

5 A PARTICIPANT: Just real briefly, in regards to
6 the idea of holding a lottery for tags, the idea of lotteries
7 and moose hunts is to reduce the size of the herd, and I
8 think we're after a different result with marlin. And I
9 think it puts a value on marlin that we're trying to get away
10 from; we're trying to get away from catching these things.
11 And it's a novel idea and I give it high marks for
12 innovation, but we probably want to try a different approach
13 to counting the number of marlin that are caught.

14 MR. SUTTER: Okay, I guess I have just a couple
15 more -- I guess Chris is really giving me the heat here to --

16 MR. ROGERS: (Inaudible) five minutes over.

17 MR. SUTTER: Okay. And I know we have somebody
18 else who's coming after this, so --

19 MR. ROGERS: (Inaudible.)

20 MR. SUTTER: I know, I know, that's right, that's
21 right. And I do have Nelson; you're the only one I have
22 written down. A lot of other people have gone up. I did

1 want to give -- Nelson, I did want to give people that hadn't
2 had a chance to comment a chance to comment. So --

3 MR. BEIDEMAN: Yeah, thank you. As far as the
4 tagging goes, was done by a lottery, I can assure you right
5 now if somebody offered me a million dollars to go catch a
6 blue marlin, I don't think I could do it. And as somebody
7 over here just said, I could spend a million dollars trying,
8 but I seriously doubt that I could land one. Thank you.

9 MR. SUTTER: Okay, Nelson. (Inaudible) that you
10 wrapped this up and then we can -- I guess if we want to talk
11 about this some more we can get some comment on it tomorrow.

12 A PARTICIPANT: Yeah, if possible, I would like to
13 talk about the issue three tomorrow, because we really,
14 really haven't gotten into that.

15 But then I would like to say a couple of things
16 just for ideas, as far as the tournaments go. Because we're
17 not looking at real time, you might want to think about so
18 many days for tournament reporting. And if it does get into
19 a situation where you're having longer and longer, and season
20 long tournaments, you may want to get into a situation where
21 catch and effort are being reported periodically by those
22 longer than a week long tournament, and of course landings

1 would have to be within so many days.

2 But the real problem is the numbers, getting the
3 numbers of outsider tournaments. But there were still a few
4 remarks about de minimis status of the U.S. recreational
5 fishery, and there is even a pot shot from Russell on pelagic
6 long line, something to remember; he said, now, these hook
7 and line fisheries, they all kill fish. I mean, they all
8 kill fish.

9 If you take a simple 10 percent of the LPS, if you
10 apply a simple 10 percent as post-release mortality, and the
11 actual figure, whenever it's known, may be higher or lower
12 than that 10 percent, but certainly we all agree that there's
13 some post release mortality, but if you take a conservative
14 10 percent post release mortality applied to LPS catches,
15 they come out equal to or greater than the U.S. pelagic long
16 line dead discards.

17 So, you know, take your potshots and I'll come
18 back, and we'll lay the science on the table, whatever the
19 best available is.

20 MR. SUTTER: Okay.

21 A PARTICIPANT: You're from the environmental
22 community; let's look at the fish.

1 MR. SUTTER: Okay, that's -- well, I think that
2 over all we got some really good comments. I appreciate it,
3 since obviously there's not a simple solution. There's no
4 magic bullet. But I appreciate all the commitment that the
5 people who have been involved with this for a long time --
6 provided some very good insight and I think we definitely
7 gave us a lot of food for thought, and I turn this back over
8 to Chris. Thank you.

9 MR. ROGERS: All right, sorry about the overtime.
10 I guess everybody was planning on having dinner at 5:30 on
11 the button, but we did have a request for a short
12 presentation tonight. We didn't really anticipate that this
13 would be a topic for debate this evening, but just to get the
14 presentation out on the floor we tried to squeeze it in for
15 tonight and any further discussion or public comment would be
16 taken tomorrow night during the open comment period.

17 Just for the record, I believe this presentation --
18 I'm not exactly familiar with the nature of this
19 presentation. I understand it's with respect to bluefin tuna
20 quota allocations and gear use in certain categories and
21 spotter planes.

22 It is a contentious issue, as bluefin tuna quota

1 allocations have always been a contentious issue for the
2 agency. We have debated this at length with this panel in
3 the development of the FMP and its implementation. The
4 agency has taken a number of steps in the past, with respect
5 to rule making, on the use of spotter planes in the bluefin
6 tuna fishery.

7 At the current time, we are prepared to implement
8 the language in the appropriations bill. It's pretty clear
9 and concise in what it directs the agency to do, so that's
10 certainly not the nature of the presentation, I hope, with
11 respect to the bill that has already passed and been signed
12 by the President.

13 But with respect to any changes or philosophical
14 changes that might be appropriate with respect to management
15 for the bluefin tuna fishery and allocation among groups,
16 that's certainly fair game for the panel.

17 But again, just to reiterate, the agency has before
18 it language from the appropriations bill that directs us on
19 issuing permits for the charter and head boat categories,
20 that they cannot be issued to vessels using spotter planes,
21 and we are in the process of implementing that through
22 regulation.

1 A PARTICIPANT: Chris, I think, you know, tomorrow
2 morning we're supposed to discuss allocation quotas.

3 MR. ROGERS: That's --

4 A PARTICIPANT: And tomorrow evening, which I'm not
5 going to be here anyway, the public hearing is on proposed
6 rules, which consist --

7 MR. ROGERS: Right.

8 A PARTICIPANT: So do you think that there's any
9 (inaudible) --

10 MR. ROGERS: Well, proposed rule and other public
11 comment. It is a --

12 A PARTICIPANT: Proposed rule.

13 MR. ROGERS: Right --

14 A PARTICIPANT: So why can't we discuss this
15 tomorrow morning, the allocation (inaudible).

16 MR. ROGERS: Well, my intent is that we can discuss
17 it either tomorrow morning or tomorrow evening, as the panel
18 wishes.

19 A PARTICIPANT: (Inaudible.)

20 MR. ROGERS: But not to enter into that discussing
21 this evening, because we just don't have the time.

22 A PARTICIPANT: Well, fine (inaudible).

1 MR. ROGERS: Okay, we'll just get the presentation.

2 A PARTICIPANT: (Inaudible.)

3 MR. ROGERS: This is Bill Chapralles (phonetic).

4 MR. CHAPRALLES: Thank you. My name is Bill
5 Chapralles. I'm a commercial fisherman, and I'm president of
6 the Atlantic Commercial Fisherman's Alliance. I'm going to
7 pass out some handouts for you. There probably won't be
8 enough to go around. You might have to share.

9 My name is Bill Chapralles. Some of you here know
10 me, but many do not. This panel has had, however, a very
11 direct effect on my life, so I thought I had better come here
12 and introduce myself.

13 I am the president of Atlantic Commercial
14 Fishermen's Alliance, an association of full time commercial
15 fishermen. I am a full time commercial fisherman from Cape
16 Cod, Mass. Fishing is all I do for a living. Unlike many in
17 the highly migratory species arena, especially in the bluefin
18 fishery, I have no other job. I do not serve as CEO of a
19 major company in lower Massachusetts like one of the bluefin
20 commercial fishermen who supposedly represent me here today.

21 I fish for a living full time and year round, for tuna and
22 ground fish. I am a bluefin tuna fisherman and I fish

1 primarily by harpoon in the general and harpoon categories.

2 I have been harpooning bluefin for over 35 years.

3 To put that into perspective, considering the changes that
4 have taken place over that time, President Johnson was on
5 office; Bobby Kennedy and Martin Luther King were alive; the
6 Beatles were going strong.

7 For my part, I was fishing. I was in the fishery
8 before bluefin came under the jurisdiction of ICCAT. I was
9 on the water when Frank Siganowski (phonetic) anchored the
10 Carrocio Maru (phonetic) in Cape Cod Bay. Mike Genovese's
11 dad, Gussie, was like a father to me. I have fond memories
12 of Gus, who used to let me sleep on the Santa when he was
13 docked in Sandwich, Mass. I was fishing out of Provincetown
14 when Charlie Mayo and Bobby Woods used the first spreader
15 bars for trolling.

16 I was here when NMFS invented the two stock theory,
17 the single worst thing for bluefin conservation worldwide and
18 for U.S. fishermen, both recreational and commercial. I was
19 present at the New England aquarium when the East Coast Tuna
20 Association was created. I was here when NMFS advocated a 50
21 percent reduction in the bluefin quota in 1993, only to be
22 shown wrong in its stock assessment by the National Academy

1 of Science.

2 During this time, I have always tried to give back
3 to the fishery and to do what I could to contribute to our
4 understanding of the fish. I have tagged and released, by
5 harpoon, over 400 giant bluefin tuna. I have worked with
6 NMFS whenever possible, and also have worked very actively to
7 support the New England aquarium's bluefin research program,
8 donating time, boats and fuel over extended periods.

9 When Marley Rutcavage (phonetic) was looking for a
10 rod and reel boat to help assist in placing satellite tags on
11 the fish, I introduced her to Cookie Murray and was pleased
12 to do so. I believe all fishermen have an obligation to
13 help, in any way we can, to assist with scientific efforts to
14 help the fisheries management.

15 Cookie's efforts have been given wide press in the
16 Salt Water Sportsman with the New England aquarium in Mass,
17 but the public seems not to know that it was a group of
18 commercial fishermen working with the New England aquarium
19 and the Massachusetts Division of Marine Fisheries, who got
20 that work started and who carried it out when the fish won't
21 bite the troll bait. To his credit, Mike Genovese, of the
22 Saint Oay Dove (phonetic), also has been instrumental in this

1 effort.

2 The bluefin fishery, with the exception of the
3 angling category, is a commercial fishery. This has been
4 true since NMFS established categories in the early '80s and
5 North of Cape Cod, at least, has always been true, in my
6 experience.

7 Over the past five years or so, I have seen changes
8 in the management of this fishery that are very troubling to
9 me. A commercial fisherman -- as commercial fishermen, we
10 have always known that NMFS desires to reduce or eliminate
11 the commercial fishery in highly migratory species,
12 especially bluefin.

13 The direct attempts in '82 and '92 to drastically
14 reduce quotas did not work because they did not withstand
15 scientific scrutiny; therefore, beginning in 1995, just after
16 the National Academy of Sciences report, Dick Stone, as
17 director of Highly Migratory Species, began a program of de-
18 commercializing the fishery through the back door. This
19 effort began with the transfer of 50 metric tons in '95 from
20 the purse seine category to the reserve, and then to the
21 angling category.

22 The following year, with the active support of one

1 of the commercial bluefin representatives sitting here today,
2 NMFS further reallocated 95 tons of juvenile fish to the
3 angling category. Not only was this bad for conservation, it
4 was so excessive that the angling category no longer even
5 catches its quota. In the harpoon fishery, NMFS consistently
6 avoided restoring the fishery to anywhere near its historical
7 allocation.

8 At the same time, Mr. Stone instituted a program of
9 days off in the general category. Never have I seen such a
10 ridiculous idea. The fishery is conducted under a fixed
11 quota; the only purpose to provide days off is to prevent
12 full time fishermen from landing fish during the week, so
13 that more weekend days are available for part timers.

14 Again, this program was actively supported by the
15 commercial representative of the general category sitting
16 here today. So rabid is the commercial general category
17 representative's support for this days off program to
18 lengthen the season that he lengthened it last year so long
19 that the quota was not caught.

20 In '96, National Marine Fisheries Services expanded
21 upon the days off to bring up monthly sub-quotas. This had
22 the further effect of limiting the August, September and

1 October fisheries to individual periods of less than two
2 weeks each; therefore, commercial fishermen with full time
3 jobs in other industries could simply schedule their fishing
4 around vacation times.

5 Again, this was supported by the general category
6 commercial fishing representative.

7 These de-commercial efforts did not save a single
8 fish or promote conservation in any way; all they did was
9 make it more costly for commercial fishermen and fish dealers
10 to operate. Commercial fishermen in a quota based commercial
11 fishery would rather just catch the quota and move on to
12 another fishery. Bluefin dealers now have to keep full time
13 staff for a part time fishery for five months out of the
14 year.

15 In the beginning of '97, NMFS began to attempt to
16 eliminate fish spotters. Fish spotters are used in the
17 harpoon fishery in both the general and harpoon categories
18 and mostly by full time commercial fishermen. NMFS actually
19 banned fish spotters in the general category in '97, but the
20 spotters and the boats that used them went to court and
21 proved that NMFS had no basis for the ban.

22 All the claims made by NMFS and by the general

1 category commercial fishing representative sitting here today
2 were proven to be absolutely untrue. The pilots even got
3 back their legal fees from NMFS, that's how false the claims
4 against the fish spotters were and still are. Not only did
5 the trial judge give back the legal fees, but three judges in
6 a circuit court of appeals agreed. Four judges all agreed we
7 were wronged and were entitled to our legal fees from NMFS.

8 In '98, this panel voted against a plain ban, as I
9 understand it. The decision was based upon a need to
10 continue the science and also the size selectivity of the
11 fishery. Then, after a mob led by the general category
12 commercial fishing representative came here, you were
13 apparently convinced that a plain ban should go into effect.
14 NMFS actually tried to go forward with that recommendation,
15 but they were told by a federal judge that they would likely
16 be held in contempt if they did, so NMFS gave up. But the
17 commercial fishermen, in the general category, asked Congress
18 to step in, which he did.

19 All of these events have led me and a great
20 majority of truly commercial fishermen in the bluefin fishery
21 to conclude two things: first and foremost, we have learned
22 that we are not represented here. Rich Ruais does a fine job

1 with ICCAT issues and he certainly gives every waking moment
2 to representing the interests of bluefin seiners, who have
3 individual fishing quotas, still have their fish spotters and
4 enjoy a closed, limited entry fishery. This shows me that
5 Rich is very capable and you get good results from him, if
6 he's actually working for you.

7 However, the representative from East Coast Tuna
8 has not been representing the (inaudible) fishermen who are
9 truly making a living from the fishery, most of whom fish by
10 harpoon and utilize fish spotters. In fact, his board of
11 directors has told him to remain neutral on any divisive
12 issues, which really means on any issue that affects the
13 people who catch a lot of fish, who do not own a seiner.

14 As an example of a NMFS proposed capping the seiner
15 quota at 250 metric tons, he pulled out all the stops to
16 overturn that decision, but when NMFS proposed a ban on our
17 fish spotters, he abstained from the vote, excuse me, and
18 refused to speak out.

19 MR. ROGERS: Hey Bill, can I stop -- I don't know
20 that debating the representation on the panel is at issue
21 here, so maybe you can get a little bit quicker to the issue
22 that you want to present and that would be discussed tomorrow

1 morning and tomorrow night.

2 Obviously we're concerned about representation on
3 the panel; we've been taking painstaking efforts as an agency
4 to provide that balance, and we'd certainly address that in
5 the future, but the panel members are the panel members at
6 this point in time, and when their terms are up we'll take
7 those sort of comments into consideration. (Inaudible) your
8 interests are representative and who you might nominate to do
9 so.

10 If you could move along, I gather Jonathan also has
11 something to present here, as well.

12 MR. CHAPRALLES: Well, I just wanted to, you know -
13 - so you don't want me to continue on then, Chris?

14 MR. ROGERS: No, I'd like you to continue on, but I
15 think for now, let's save the meat of the discussion for --

16 MR. CHAPRALLES: All right.

17 MR. ROGERS: -- some sort of (inaudible) issue that
18 we can address here at this meeting of the panel.

19 MR. CHAPRALLES: With the exception of the purse
20 seine category, the bluefin fishery is open access: anybody
21 with a boat and a credit card can go to NMFS' website and
22 print out a bluefin permit.

1 Unlike other fisheries, where open access
2 categories exist, commercial fishermen are not separated from
3 the open access people; thus in the fishery regulated by a
4 strict quota, full time commercial fishermen like myself
5 compete directly with an ever increasing number of part
6 timers for the same fish, and because catching fish is my
7 profession, they cannot compete effectively with me anymore
8 than I could open up a factory next door to Peter Weiss of
9 Lowell, Mass and compete with him.

10 Thus, while anybody who sells a fish is in one
11 sense commercial, commercial fishermen generally work for
12 money. In the bluefin fishery, the plain fact is that with
13 the present prices of the fish, you really aren't making any
14 money until you catch about 10 fish.

15 And to illustrate that point, I have attached a
16 graph showing the economics of landing 5, 10 and 20 fish, in
17 the back. The data for this graph comes from the HMS FMP,
18 and the variable cost data was actually supplied by NMFS and
19 by Peter Weiss in the general category tuna association.

20 You can see that until you land 10 fish or so, you
21 just can't make any money from the bluefin fishery. The
22 costs just eat all of it up until you stock the first bunch

1 of fish. Even at 10 fish, the average general category
2 fisherman is making almost 40 trips, which is a lot of time,
3 typically over 400 hours. If your time is valuable to you
4 and your goal is to feed your family, you're just as well off
5 to work at McDonald's flipping burgers for the summer as you
6 are to catch 10 fish.

7 However, very few boats in the bluefin fishery
8 catch 10 fish or more. These fish are notoriously hard to
9 catch, and very few people have the ability to preserve,
10 through the steep learning curve, to learn how to catch them
11 consistently, and because it takes so much time, most of the
12 people who fall into this category are full time commercial
13 fishermen.

14 The second chart I have attached is entitled,
15 General Category Vessels Landing, Atlantic Bluefin Tuna. You
16 can see that the total number of permits used by NMFS for the
17 general category is over 11,000. However, very few permitted
18 vessels actually catch even one fish. This is a reflection
19 of how much skill and perseverance is required to land even
20 one fish. Of the boats that catch fish, however, very few of
21 them are profitable. The boats that catch 10 or more average
22 57 boats over the entire period, and the great majority of

1 them are full time commercial fishermen.

2 Finally, and here lies much of the root of our
3 difficulty in this open access fishery, we catch a
4 disproportionate share of the quota. We have to. This is
5 our livelihood and we are fishing for one reason only: to
6 catch fish, not to have a good time.

7 The last graph, entitled General Category Vessels
8 Landing 5 percent, shows the relative percentages of boats
9 catching more than 10 fish against percentages of the quota
10 landed. It is not hard to see why this fishery is a
11 contentious arena: there is a fixed quota, no limits on
12 entry, and relatively few boats that land a substantial part
13 of the quota.

14 But the fishery is a commercial fishery; there is
15 nothing wrong, what so ever, with a full time commercial
16 boat's catching a fish. However, those that do not land
17 enough to make money, and NMFS as well, treat this fact like
18 it is something that needs to be fixed. It is time for this
19 to end.

20 This is not a single full time bluefin fisherman on
21 this panel. There is not a harpooner here. There is not a
22 spotter pilot here. All that is represented on this body is

1 the interests of the purse seiners and the part timers. This
2 is wrong. Because the interests of the commercial fishermen
3 who fish by hand gear are not represented, we believe that
4 mistakes have been made by this panel.

5 I have already talked about the days off issue, but
6 I do want to spend a moment on spotter planes. I know
7 probably you want to hear about this one like you want a
8 tooth ache, but it's an important issue and it's not going to
9 go away.

10 The fish spotters perform an important function,
11 not only for the boats but for the resource. They find big
12 fish keepers; in this case of a bluefin that must be around
13 300 pounds. We have to catch keeper sized fish; we can't
14 keep shorts. Besides, we get paid by the pound and most
15 times, the more pounds, the better. I think everyone here
16 knows that the planes perform this function. If you don't
17 believe me, ask Rich or NMFS if they would even consider
18 allowing the seiners to fish without spotters.

19 In addition to harpoon fishery, to be commercially
20 viable, we need spotters; that's why we use them. That kind
21 of fishery, for both swordfish and bluefin, is about the most
22 environmentally friendly sustainable fishery there can be,

1 yet NMFS favors rod and reel despite what everyone knows is
2 the dirty secret of the general category fishery: numbers of
3 discards of small fish, harpooned (inaudible) by
4 inexperienced weekend fishermen and countless numbers of blue
5 sharks and dog fish unnecessarily killed.

6 There is also a human toll of this decision. This
7 is my fishery, my livelihood for over 30 years. My fish
8 spotter, my friend and business partner for 20 years, can no
9 longer work with me. I will miss him, plain and simple.

10 I want to ask the members of this panel why they
11 would recommend such an action. You did not save a single
12 fish, and probably contributed to dead discards of many. Why
13 take this action? Why did we prove, in court, that NMFS and
14 Peter Weiss were wrong, only to have you vote to ban our
15 spotter planes anyhow? On a simple human level, why put
16 people out of work who are just doing their job, a job
17 beneficial to the resource? I really would like to know.

18 I believe it is large part due to the fact that you
19 have been misinformed, and because you have not been -- we
20 have not been represented here, excuse me, to attempt to
21 solve this problem, a number of us have decided to take our
22 future in our own hands. We have formed an association of

1 full time commercial fishermen, The Atlantic Commercial
2 Fishermen's Alliance.

3 We stand ready to work with any other commercial
4 fishermen who share our goals, and we believe that the highly
5 migratory species commercial fisheries should be managed as
6 commercial fisheries. For too long, we had allowed sport
7 fishermen with commercial licenses to gerrymander the
8 regulations to suite the desires of weekend fishermen, rather
9 than the needs of commercial fishermen.

10 We want representation on this panel. NMFS is not
11 hearing from a constituency that catches a large proportion
12 of the quota. This is not right, and it distorts the
13 management process.

14 We (inaudible) that it is time that the commercial
15 and sport fishing sectors be separated, so that we do not
16 compete directly with part timers. We do not want days off.

17 We do not want monthly sub quotas, or any of the other
18 devices to ensure that weekend fishermen get a chance to
19 catch them in their own back yard on bluebird days in
20 September.

21 The quota opens June first; fish FTLs (phonetic)
22 and boats that have props. Just give us a quota and we'll go

1 catch it. When it's over, we can catch something else. The
2 weekend guy can keep their days off, but we want to have our
3 catch history separated out in a separate commercial hand
4 gear category, where we can use or spotters and not have to
5 be in the same fishery as the weekend guy.

6 We do not want to take anything away from them, but
7 we have had enough of them speaking for us. They most
8 certainly do not represent us, and we want representation.

9 We believe it is long past time to separate the
10 commercial and recreational components of the harpoon general
11 categories. This is the only fishery in the U.S. that hasn't
12 recognized the value of this format.

13 We have similarly goals: one side wants an
14 enjoyable day of fishing on the water, with possible added
15 bonus of catching a valuable catch; the other side has a
16 necessity of running a viable business that pays the bills
17 and feeds the families that rely upon their boats, but the
18 recreational giant bluefin sector has the ability to legally
19 sell their fish, something that is usually not allowed in
20 other fisheries. And let them decide on whether or not to
21 have days off, or other methods of extending their season.
22 Let the commercial fishermen utilize their planes and have

1 consistent chance to support their families.

2 With this format, you would have less friction on
3 the water and return to a viable aerial survey, as was proven
4 in 1993 to '96 as a sustainable -- at a sustainable cost to
5 the tax payers of the U.S.

6 However it gets done, we must have recognition of
7 full time commercial fishermen and their role in this
8 fishery, and we must be separated from the weekend guys
9 represented by general category tour association.

10 Most importantly, we deserve and insist upon
11 representation in this management process. The Magnuson Act
12 requires that advisory panels be balanced in their
13 representation of commercial interests. This panel is not
14 balanced in the bluefin fishery. We are not represented here
15 at all. Thank you.

16 A PARTICIPANT: Jonathan?

17 MR. ROGERS: (Inaudible.)

18 MR. MAHEW: Okay, Chris, I'll try to keep it brief.

19 I had six, seven pages, but everybody's hungry and I'm
20 getting tired. I guess I wasn't going to elaborate or
21 duplicate what Bill had to say. I do -- the gentleman --
22 excuse me? Oh, I'm sorry, I apologize. I'm Jonathan Mahew.

1 I am a commercial fisherman from Massachusetts. I am part
2 owner of two boats, one small boat for tuna and a dragger. I
3 am also a pilot of 28 years, a fish spotter, president of
4 Atlantic Fish Spotters, and also a member of the newly formed
5 Atlantic Commercial Fishermen's Alliance. I apologize. I've
6 been in this industry and many fishing industries all my
7 life.

8 I think one of the things that happened here, there
9 was a question from the gentleman from Alaska early on about
10 representation, and Bill obviously went a lot into that, and
11 Chris rightly does not want to go into it at the moment, but
12 there is a group of us that feel quite disenfranchised.

13 Prior to 1999, this board did not support a ban on
14 aircraft. In 1999 they changed their position. I think
15 that's something that was not good for -- obviously not good
16 for -- it was the only thin I've ever seen where people were
17 actually booted out of a fishery by a decision, and there
18 were pilots that had been in the air, the average pilot
19 averages at least 20 years. And none of us are youths;
20 we're all kind of getting a little long in the tooth.

21 But more than just a personal factor, I think that
22 there's really a factor for the science, and I guess to go

1 into that a little bit, in 1990, around that area, the best
2 science was saying that the stocks were in terrible shape, I
3 assume done by catch per unit effort. National Marine
4 Fisheries proposed, you know, drastic cuts; the environmental
5 group rightly said, based on this information, we have to
6 have drastic cuts, you're right. And there was even talks of
7 a seggies (phonetic) listing, which would have destroyed the
8 fishery.

9 Fishermen went kind of berserk over it, pilots and
10 fishermen, on the grounds we were seeing more and more fish.
11 And we said, well, wait a second, we're seeing more and more
12 fish, how can you say we need a seggies listing or a major
13 reduction? And the end result was, they said well, you guys,
14 that's nice to hear but it's anecdotal information; we can't
15 use it in our model.

16 We went, in the winter of '92 and '93, and went
17 looking for scientists that would help us. New England
18 aquarium came on board, and we set an aerial survey program.

19 The results, which a lot of you know, the seggies listing
20 did not happen, and maybe there was other factors, but
21 certainly it's well documented that part of it was the aerial
22 survey and the photographs in '93.

1 And in '96 there was also, again, a call, based on
2 catch per unit effort, for another drastic reduction.
3 Environmentalists, again using the best figures of science
4 available, said that we really need this 50 percent
5 reduction. NMFS figures -- it wasn't environmentalists'
6 figures, it was National Marine Fisheries' scientists'
7 figures, 50 percent reduction. The aerial survey again came
8 to the for, and it became very important again on that issue,
9 and the 50 percent reduction did not happen.

10 In 1997, it was banned, so our aerial survey, in
11 essence, ended. We tied up our airplanes. We did not fly
12 illegally. They were banned on July the 17th and we tied up
13 and we said, we're going to go to court and fight it. And in
14 the United States, I always thought when you have a day in
15 court, that was -- you know, justice is going to be your day
16 in court.

17 So we went to court, federal court, and we won, and
18 to the point where the judge was so upset that he eventually
19 awarded us court costs. And the three panel appellate court,
20 as appealed by National Marine Fisheries, three court
21 appellate court looked over all the facts and they agreed
22 with the judge.

1 And so we thought that this was the end of it, but
2 not in America; in America, you can also go to the Hill and
3 get some -- and -- well, first they go to the advisory panel
4 and get the advisory panel to change their position, which
5 happened in 1999; you guys did that. Then we went to the
6 Hill.

7 And in fact, it's been a very long battle, I think
8 Peter would agree, very expensive for both of us, both sides
9 very dug in; both sides, I feel, doing the best we can to
10 give our own case. The reality is there is -- all we wanted
11 was a hearing in front of Congress; we never got the hearing.

12 And we got a hearing in front of the judge, but we never got
13 a hearing in front of Congress.

14 It was never passed the House. The only reason it
15 passed the House, where we at least had some ears that were
16 willing to listen, was the fact that it was on appropriations
17 bill, the last bill signed by President Clinton, well in
18 December, and no one was about to shut down a government
19 Health and Human Services for 15 or 20 fish spotters and
20 their subsequent planes.

21 To bring up to why I feel so important about this
22 aerial survey: last year, it was a very different year.

1 Peter would agree and the rest of the commercial fishermen
2 would agree: the fish did not do their normal migratory
3 pattern last year. I don't know what caused it; it might
4 have been water temperature, it might have been feed, I
5 honestly don't know. It might have been that they didn't
6 want to be too close to the East Coast during a political
7 year and listen to politicians, I have no idea.

8 But the reality was, was that the boats that we use
9 fish about 50 to 70 miles off shore. U.S. waters goes to the
10 Hague line; the Hague line is up about 165 miles from
11 Nantucket. I fish there all winter, so I know it pretty
12 well. I was on a swordfish trip on July 17th last year, on
13 my boat, so I had two planes, and we witnessed 12 -- between
14 -- excuse me, between 15 and 22,000 giant bluefin tuna on the
15 surface. And I had two planes. We photographed them, but
16 again, we're back when --

17 (End side B, tape 4.)

18 MR. MAHEW: -- hire the (inaudible) which was done
19 once before, you're going to get a very weak survey, very,
20 very weak, because these fish don't come to the surface very
21 often. You've got to be out there on a show day. When we
22 were working, we had 12 planes that had computers and

1 cameras, and we had another eight or 10 planes that were
2 integrated into our system, giving us information over the
3 radio.

4 The long and the short of it is, is that when you
5 get rid of the airplanes, you have managed to -- you know, my
6 analogy is, I feel like I got kind of stabbed in the back for
7 all my work, but you guys really poked yourselves in the
8 eyes.

9 And I think that if we go to -- now is the time, as
10 Bill stated, to look at this industry and say, look, let's
11 divide -- as in every other fishery that I'm in, there's a
12 commercial sector and a recreational sector. We don't want
13 to compete with the recreational guys, we don't even mind the
14 fact that recreational guys get to sell their fish. They're
15 valuable fish; that's fine.

16 But I think that if you took historic
17 participation, you would find that the recreational guys
18 probably, in the general harpoon category, catch 60 to 70
19 percent of the fish. So all we would like to have is 30 to
20 40 percent, but not have this ever increasing number of
21 recreational fishermen and pushing commercial guys out of
22 business.

1 And that's basically what we're here for, and I
2 think it's time for this board to discuss taking the harpoon
3 and general category, put it together and put sub quotas or
4 whatever, but commercial sector and the recreational sector,
5 the advisory -- the HMS has had, in the past, had qualifiers
6 for swordfish and, as far as commercial speaking, and I don't
7 see why it can't be done today. It would assist all the
8 commercial fishermen.

9 You could establish the commercial quota up and
10 down the East coast so that the commercial guys that are
11 taking a beating in South Carolina and Virginia get a whack
12 at these fish, they get a chance to catch some fish and make
13 some money, instead of just watching it all go to the
14 recreational sector. Thank you.

15 A PARTICIPANT: Next question.

16 MR. ROGERS: Thanks, Bill and Jonathan. Just to
17 briefly summarize what I heard, obviously the representation
18 is an issue, and again, I don't think that is a proper focus
19 for this meeting over the next two days, but certainly keep
20 in touch with us, work with us when the agency is taking
21 nominations as terms expire and new advisory panel members
22 are appointed.

1 The other two issues that I heard was that we need
2 to continue with a fisheries independent means of assessment
3 in the bluefin tuna situation, and certainly an aerial survey
4 can further that goal along. So again, continue to work with
5 us and folks in both the Northeast Science Center and the
6 Southeast Science Center on how we can continue to develop a
7 fisheries independent index and bring that into the ICCAT
8 stock assessment process.

9 Obviously, the third and probably the most
10 important issue for this panel in the next two days would be
11 this discussion of whether we want to reinvent the commercial
12 categories for bluefin tuna fishing, and as you had proposed,
13 a possible combination of the existing general and harpoon
14 categories into some full time or part time commercial
15 categories, but certainly we can take up that debate tomorrow
16 morning and tomorrow evening. I don't think we have time to
17 do that this evening.

18 One question, Mau?

19 DR. CLAVERIE: (Inaudible.)

20 MR. ROGERS: All right, I'll remind you. I'll find
21 you at 7:45 here.

22 A PARTICIPANT: (Inaudible.)

1 MR. ROGERS: Right. Well, there probably can be
2 some other creative solutions if folks are interested in
3 entertaining them, whether or not you're creating a part time
4 or full time commercial fishery. But certainly the agency's
5 position is, as Congress has indicated in Magnuson Act
6 definitions, you don't see recreational caught fish.

7 Any other items of business before we adjourn for
8 some of the dining opportunities here in Silver Spring? All
9 right, we'll see you all here in the morning.

10 (End side A, tape 5.)

11 * * * * *

12

13

14

15

16

17

18

19

20

21

22

1

2